

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

THE HONORABLE ANDRÉ BIROTTE JR., JUDGE PRESIDING

UM CORPORATION, a Japanese corporation,
Plaintiff and Counterdefendant,
vs.
TSUBURAYA PRODUCTIONS CO., LTD., a Japanese corporation,
Defendant and Counterclaimant.

No. CV 15-3764-AB-AJW

REPORTER'S TRANSCRIPT OF PROCEEDINGS

Los Angeles, California

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Day 1 of Jury Trial, Page 1 through 97, Inc.

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1 LOS ANGELES, CALIF.; TUESDAY, NOVEMBER 7, 2017; 1:47 P.M.

2 -000-

3 THE CLERK: All rise for the jury.

4 *(The prospective jurors entered the courtroom.)*

5 THE CLERK: Please be seated.

6 *(Pause in the proceedings.)*

7 THE CLERK: All rise.

8 *(Judge Birotte entered the courtroom.)*

9 THE CLERK: Please be seated.

10 JURY VOIR DIRE RESUMED

11 THE COURT: All right. Good afternoon, everyone.
12 We're going to resume our jury selection process. If I
13 could, I want to ask individually some folks to approach at
14 sidebar if we could.

15 Why don't we start with Ms. Kim. Would you mind
16 just approaching the well at the sidebar with the lawyers
17 and I?

18 *(The following was held at the bench:)*

19 THE PROSPECTIVE JUROR: Hi.

20 THE COURT: So, Ms. Kim, I appreciate you coming
21 by at sidebar. I want to just ask a couple of questions
22 outside the presence of everyone.

23 I asked earlier and, during the lunch break, did
24 you attempt to find out if in fact the John Quinn that your
25 neighbor referred to was the same?

1 THE PROSPECTIVE JUROR: No, he's not.

2 THE COURT: If you were to find out that Mr. Quinn
3 was the person or related to that person, would it make it
4 difficult for you to be fair and impartial as a juror in
5 this case?

6 THE PROSPECTIVE JUROR: I mean, I don't know.
7 It's a little uncomfortable but --

8 THE COURT: And when you say "uncomfortable," why
9 is that?

10 THE PROSPECTIVE JUROR: It just makes me nervous,
11 I guess. Just like I've never been in this situation so it
12 kind of makes me a little anxious.

13 THE COURT: And I can understand that, having
14 served on a jury. I know the first time you're asked all
15 these questions it's different. It's a different
16 experience.

17 If were you selected as a juror, you would just be
18 doing a lot of listening, not public speaking; and I guess
19 really the question I have is both sides want to make sure
20 we have a fair and impartial juror.

21 THE PROSPECTIVE JUROR: Yes.

22 THE COURT: If you were given instructions about
23 the law, how to apply the law to the facts and the burden of
24 proof, do you think, upon hearing the evidence, irrespective
25 of whether you may or may not know the John Quinn involved

1 here, do you think that you could deliberate and deliberate
2 with your fellow jurors?

3 THE PROSPECTIVE JUROR: I would do my best.

4 THE COURT: You say you would do your best. Do
5 you think there would be an issue? Are you saying that
6 because of the process or because of the possibility that
7 you may know one or more of the lawyers involved?

8 THE PROSPECTIVE JUROR: I mean, I don't think it
9 would matter at this point. I mean, I kind of regret saying
10 it because I feel it's not true or something so I don't
11 think so.

12 THE COURT: Okay. All right.

13 THE PROSPECTIVE JUROR: I'm just kind of
14 embarrassed.

15 THE COURT: You have nothing to be embarrassed
16 about.

17 THE PROSPECTIVE JUROR: Okay.

18 THE COURT: Like I said, we do this. Bring people
19 over to sidebar. It's less embarrassing.

20 THE PROSPECTIVE JUROR: I was just trying to be
21 honest.

22 THE COURT: I think that's what all the lawyers
23 and I certainly want. I appreciate that.

24 Does either side have any questions?

25 MR. QUINN: No questions, Your Honor.

1 MR. CHIBIB: No, none.

2 THE COURT: All right.

3 Thank you, Ms. Kim, I appreciate it. You can go
4 back.

5 *(The following was in the prospective jurors' presence:)*

6 THE COURT: Ms. Dyer, if you would be so kind,
7 would you mind stepping to the sidebar, please.

8 *(The following was held at the bench:)*

9 THE PROSPECTIVE JUROR: Hi.

10 THE COURT: Hello. Thank you for coming.

11 Look, we want to ask you a couple of follow-up
12 questions.

13 THE PROSPECTIVE JUROR: Sure.

14 THE COURT: Sometimes it's easier to do so at
15 sidebar although you're being surrounded by six lawyers.

16 THE PROSPECTIVE JUROR: I am in a circle.

17 *(Laughter.)*

18 THE COURT: Right.

19 But you had mentioned earlier that you thought it
20 might be difficult to be a juror in this case. Can you tell
21 us a little more about why you feel that way?

22 THE PROSPECTIVE JUROR: I feel like working in the
23 industry that I do with so many creative people who, in a
24 lot of cases, I have a couple of friends who are artists and
25 have had their intellectual property stolen by others and I

1 naturally lean to their side.

2 So I feel like with my experiences with that, it
3 makes me -- I feel like I may be biased toward the side of
4 the plaintiff.

5 THE COURT: Got it.

6 And let me ask you: Do you think that you would
7 be unable to put those experiences aside and just listen to
8 the evidence in this trial?

9 I mean, obviously the parties are not your
10 friends.

11 THE PROSPECTIVE JUROR: Right.

12 THE COURT: The subject matter will likely be
13 different or there may be some similarities. But do you
14 think that you would be able to, if I gave you instructions,
15 to just listen to the evidence and work with your fellow
16 jurors in making a decision?

17 THE PROSPECTIVE JUROR: I would hope that I could.

18 THE COURT: Okay.

19 THE PROSPECTIVE JUROR: But I can't say for sure.

20 THE COURT: Got it. Okay. All right.

21 And, look. I appreciate your candor. That's one
22 of the reasons why all the lawyers want to make sure we have
23 a fair and impartial jury.

24 THE PROSPECTIVE JUROR: Absolutely.

25 THE COURT: So that's why we inquired.

1 Any questions?

2 MR. CHIBIB: No, Your Honor.

3 THE COURT: Mr. Quinn?

4 MR. QUINN: No, Your Honor.

5 THE COURT: All right.

6 (Prospective Juror returned to the jury box.)

7 THE COURT: So we're back at sidebar discussing
8 any challenges for cause.

9 Thoughts, Mr. Quinn? Mr. Chibib?

10 MR. QUINN: We don't have any challenges for
11 cause, Your Honor.

12 THE COURT: Mr. Chibib?

13 MR. CHIBIB: We certainly would urge a challenge
14 to Juror No. 5 particularly because of her admitted bias
15 towards the plaintiff already in this case.

16 I think that that would be a significant prejudice
17 to us. We would urge for 14 but we understand, based on
18 what she said, it didn't seem as significant a problem as it
19 did initially.

20 MR. QUINN: Your Honor, I didn't hear her saying
21 she had a bias for the plaintiff in the case. She said she
22 had friends who had their intellectual property taken.

23 The reality is we all know this is a dispute over
24 who owns something. Both sides are going to say they own
25 this property.

1 THE COURT: Well, let me interrupt. I think she
2 did say specifically that she has a leaning towards the
3 plaintiff. That's what I recall and that is a big problem.

4 I mean, she did say the other things you said but
5 I thought specifically she said: My leaning is towards the
6 plaintiff which you happen to be right now.

7 (Laughter.)

8 THE COURT: Prior to suffering judgment, you were
9 something else.

10 So I think, at least as it relates to Ms. Dyer,
11 she said she thought she could, I get very nervous about
12 that particularly given she used the word "bias towards the
13 plaintiff."

14 So I think the challenge for cause as it relates
15 to her is appropriate and I commend you, Mr. Chibib, for not
16 further pounding on Ms. Kim.

17 I mean, I think she stated she doesn't even know
18 if this is the same person who I will refer to from the
19 trial going forward as Mr. Hero instead of Mr. Quinn.

20 MR. CHIBIB: We appreciate that, Your Honor.

21 THE COURT: All right. So what I plan to do now
22 is fill up these seats and then go through the process, and
23 go back again and see where we are.

24 ALL COUNSEL: Thank you, Your Honor.

25 MR. WEXLER: As a fill-in, do they move over?

1 THE COURT: No, they will take the spot of the
2 jurors that were excused.

3 MR. WEXLER: Thank you, Your Honor.

4 *(The following was in the prospective jurors' presence:)*

5 THE COURT: All right, Ms. Dyer, I want to thank
6 you for your time here today. You can go back to the jury
7 room and you'll receive further instruction downstairs.

8 All right? Thank you.

9 *(The prospective juror exited the courtroom.)*

10 THE COURT: We're going to call, I believe, four
11 additional names.

12 THE CLERK: Espinoza, Yanina. Please have a seat
13 in Jury Seat No. 4.

14 Amaya Quintero, Teresa. Please have a seat in
15 Jury Seat No. 5.

16 Wells, Jesse; Seat No. 8.

17 And Kucharik, Tibor; Seat No. 9.

18 THE COURT: All right.

19 Well, good afternoon to you newly seated jurors.
20 As I mentioned earlier, I hope you were paying attention but
21 we want to have you go through some of these questions as
22 well.

23 If we could start with Ms. Espinoza. If you would
24 please answer the general questions that should be on your
25 screen.

1 THE PROSPECTIVE JUROR: I live in Whittier, City
2 of Whittier, and I work for Azusa Pacific University in the
3 Hispanic program.

4 I'm married. My husband is a pastor in Whittier,
5 a pastor at a church called Santo Christiana Whittier.

6 I have two kids. My daughter is graduated from
7 psychology to get a master's in psychology and my son has
8 started college.

9 THE COURT: And are they both at Azusa Pacific?

10 THE PROSPECTIVE JUROR: No. My daughter is in
11 Azusa Pacific.

12 THE COURT: All right. Congratulations.

13 And your son, where does he go to college?

14 THE PROSPECTIVE JUROR: He's going to Rio Hondo
15 College.

16 THE COURT: And you indicated that you work at
17 Azusa Pacific, you said, in the Hispanic department?

18 THE PROSPECTIVE JUROR: Uh-huh.

19 THE COURT: What do you do there?

20 THE PROSPECTIVE JUROR: I'm student coordinator
21 and I work in the Spanish program.

22 THE COURT: And what do you do as a student
23 coordinator?

24 THE PROSPECTIVE JUROR: I help the students with
25 the classes that they need for theology.

1 THE COURT: Got it.

2 THE PROSPECTIVE JUROR: Uh-huh.

3 THE COURT: Great.

4 And have you served on a jury before?

5 THE PROSPECTIVE JUROR: No.

6 THE COURT: No. All right. Great.

7 All right. Is it Ms. Amaya Quintero?

8 THE PROSPECTIVE JUROR: You can just say "Amaya."

9 THE COURT: Okay. Ms. Amaya, welcome. If you can
10 answer the questions, please.

11 THE PROSPECTIVE JUROR: I live in Wilmington. I
12 am a teaching assistant in an elementary school in San Pedro
13 and I am a student in Cal State Long Beach getting my
14 teaching credential. I am single, no children, and no prior
15 jury service.

16 THE COURT: All right.

17 And what grade are you teaching?

18 THE PROSPECTIVE JUROR: I am a teaching assistant
19 right now for transitional kinder.

20 THE COURT: Oh, okay. So you're busy. All right.

21 THE PROSPECTIVE JUROR: Right. And I go to school
22 at night.

23 THE COURT: Okay. So you probably welcome jury
24 selection. This is a little break from the kids, I suspect.
25 You don't have to answer that.

1 (Laughter.)

2 THE COURT: All right. Thank you.

3 Mr. Wells.

4 THE PROSPECTIVE JUROR: I live in Los Angeles.
5 I'm currently single. I have one adult daughter. She's
6 currently unemployed. I have had previous jury service,
7 federal and state.

8 THE COURT: All right. Let's talk about -- before
9 we get there, are you employed, sir?

10 THE PROSPECTIVE JUROR: Yes. I'm sorry. I'm a
11 cable technician with Spectrum Communication.

12 THE COURT: All right.

13 Can you provide any discounts for pay-per-view?

14 (Laughter.)

15 THE PROSPECTIVE JUROR: That depends. We need a
16 sidebar.

17 (Laughter.)

18 THE COURT: All right. And so now you indicated
19 that -- and how long have you been a cable technician?

20 THE PROSPECTIVE JUROR: About 35 years.

21 THE COURT: Oh, all right. Good for you. All
22 right. And you said that your daughter is currently
23 unemployed. What was she doing before when she was
24 employed?

25 THE PROSPECTIVE JUROR: She was working at an

1 automobile firm and she also worked for two airlines.

2 THE COURT: And what was she doing in those jobs?

3 THE PROSPECTIVE JUROR: She was a customer rep at
4 the airlines --

5 THE COURT: All right.

6 THE PROSPECTIVE JUROR: -- company.

7 At the automobile dealer -- it was Honda by the
8 way. I'm not sure. I assume that she was customer service.

9 THE COURT: Okay. All right. And so you said
10 that you've served on both federal and state juries?

11 THE PROSPECTIVE JUROR: That's correct.

12 THE COURT: And let's talk about the federal jury
13 service. When was that?

14 THE PROSPECTIVE JUROR: That was quite sometime
15 ago. I would say approximately at least 15 to 20 years ago.

16 THE COURT: And do you recall what kind of case it
17 was?

18 THE PROSPECTIVE JUROR: It was a drug case.

19 THE COURT: All right. It was a criminal case?

20 THE PROSPECTIVE JUROR: I'm sorry, yes, criminal.

21 THE COURT: All right. And was a verdict reached
22 in that case?

23 THE PROSPECTIVE JUROR: That's correct.

24 THE COURT: All right. And you said that you
25 served in state court.

1 THE PROSPECTIVE JUROR: Correct.

2 THE COURT: And was that --

3 THE PROSPECTIVE JUROR: It was criminal as well
4 and a verdict was reached also.

5 THE COURT: And how long ago was that?

6 THE PROSPECTIVE JUROR: That also was about 15 to
7 20 years ago.

8 THE COURT: All right. And I don't know if you
9 heard me talk with some of the other jurors earlier this
10 morning. The standard of proof, the burden of proof is
11 vastly different in a criminal case than in a civil case.

12 Do you believe that you'll be able to follow my
13 instructions as to the different standards that would be
14 applied in this case?

15 THE PROSPECTIVE JUROR: Yes.

16 THE COURT: All right. Great.

17 All right. Thank you very much. Let's move on.
18 Is it Mr. Kucharik?

19 THE PROSPECTIVE JUROR: Yes.

20 THE COURT: All right. So we'll get the
21 microphone to you.

22 THE PROSPECTIVE JUROR: My name is Tibor Kucharik.
23 I live in La Verne, California. I'm an area manager for
24 AT&T. I'm married. I have a daughter and a son.

25 My daughter is a registered nurse. My son is

1 self-employed. He's a fleet manager.

2 I've been in civil and criminal cases and they all
3 came to a verdict.

4 THE COURT: A verdict?

5 THE PROSPECTIVE JUROR: Yeah.

6 THE COURT: You said your son is self-employed as
7 a fleet manager. Is this selling cars?

8 THE PROSPECTIVE JUROR: No, not a fleet manager.
9 Excuse me. He's got his own fleet wash.

10 THE COURT: Oh, fleet wash.

11 THE PROSPECTIVE JUROR: I'm sorry.

12 THE COURT: Okay. I misheard you. My apologies.
13 Okay.

14 And how long ago was your jury experience? You
15 said civil and criminal.

16 THE PROSPECTIVE JUROR: It seems like every five
17 years. It was 15 years from the criminal, then you can step
18 it up from there every five years.

19 THE COURT: And verdicts were reached in both
20 cases?

21 THE PROSPECTIVE JUROR: All of the cases.

22 THE COURT: So having done both civil and
23 criminal --

24 THE PROSPECTIVE JUROR: Yes, I can do that.

25 THE COURT: -- I assume you were given

1 instructions about the various burdens of proof; and do you
2 have any issue about following my instructions if you are
3 selected on this jury as it relates to the burden of proof
4 which in this case would be a preponderance of the evidence.

5 THE PROSPECTIVE JUROR: No, I don't.

6 THE COURT: All right. Great.

7 So I'm going to ask some questions that you heard
8 earlier and obviously feel free to raise your hand -- and
9 this really primarily focuses on the four new members -- but
10 if there was something that we missed earlier from the other
11 members of the jury, feel free to chime in.

12 And so does everyone understand that the parties
13 must prove their claim or defense by a preponderance of the
14 evidence? For the new jurors, you understand that?

15 All right. Does anyone think that because a claim
16 has been filed the other side is liable?

17 *(No response.)*

18 THE COURT: I see no hands. And has anyone ever
19 been a party to a lawsuit?

20 *(No response.)*

21 THE COURT: All right. Do you, close friends, or
22 family have any legal training?

23 *(No response.)*

24 THE COURT: Are any of you all familiar with
25 Japanese science fiction television or movies or the Kaiju

1 genre of television shows or movies?

2 (No response.)

3 THE COURT: All right. Let's get the microphone.

4 THE PROSPECTIVE JUROR: You asked about the legal
5 training.

6 THE COURT: Yes.

7 THE PROSPECTIVE JUROR: My wife's dad and their
8 sister are in family law.

9 THE COURT: Okay. So your father-in-law is in
10 family law?

11 THE PROSPECTIVE JUROR: Yes.

12 THE COURT: All right. Anything about that
13 relationship or any stories that you may have heard from him
14 that might make it difficult for you --

15 THE PROSPECTIVE JUROR: No.

16 THE COURT: -- to be fair and impartial?

17 THE PROSPECTIVE JUROR: No.

18 THE COURT: Was there anybody else?

19 Why don't you hold on to the microphone,
20 Mr. Kucharik. Anyone here of the new group familiar with
21 the Ultraman television show?

22 THE PROSPECTIVE JUROR: I watched it.

23 THE COURT: You have.

24 Okay. Do you recall when the last time you
25 watched the show?

1 THE PROSPECTIVE JUROR: I watch a lot of science
2 fiction so it's been a long time ago.

3 THE COURT: Okay.

4 And the fact that you are familiar and have
5 watched the show, do you think it would be difficult for you
6 to be fair and impartial in hearing evidence about a show
7 that you watched?

8 THE PROSPECTIVE JUROR: No.

9 THE COURT: All right.

10 Mr. Wells, I think you raised your hand. Let's
11 see if we can get the microphone over to him, please.

12 THE PROSPECTIVE JUROR: Yes. Only a question
13 about legal --

14 THE COURT: Oh, legal training?

15 THE PROSPECTIVE JUROR: Legal training, yes. I
16 guess I must say I clearly didn't understand. Did you also
17 meant if we have relatives that work with or had anything to
18 do with legal?

19 THE COURT: Yes.

20 THE PROSPECTIVE JUROR: Okay. Yes, I do have a
21 niece who is a police officer.

22 THE COURT: All right. Okay. This has nothing to
23 do with any law enforcement. I don't anticipate any
24 testimony dealing with any law enforcement.

25 But having said that, is there anything about your

1 relationship with your niece, any stories that she may have
2 had told you, that would make it difficult for you to be
3 fair and impartial in this case?

4 THE PROSPECTIVE JUROR: No.

5 THE COURT: No. All right. All right.

6 Anyone else familiar with the television show, the
7 Ultraman television shows?

8 THE PROSPECTIVE JUROR: Well, yes. My answer is
9 pretty much his. I watched the shows in the past and I
10 still currently watch some of those shows being in the
11 business that I'm in.

12 THE COURT: Okay.

13 THE PROSPECTIVE JUROR: Yes.

14 THE COURT: What kind of shows would those be if
15 you remember?

16 THE PROSPECTIVE JUROR: Mostly it's sci-fi. I
17 believe -- it's been quite a while. I'm not sure if they do
18 some cartoons. I've seen it. It's been quite a while since
19 I watched some of those shows.

20 THE COURT: Okay.

21 THE PROSPECTIVE JUROR: But I'm familiar with
22 them.

23 THE COURT: You are familiar with them?

24 THE PROSPECTIVE JUROR: Yes.

25 THE COURT: Anything about your familiarity with

1 them or the fact that you watch some science fiction shows
2 or specifically even shows that are related to the Kaiju
3 genre, would that make it difficult for you to hear a case
4 like this?

5 THE PROSPECTIVE JUROR: No.

6 THE COURT: All right.

7 Have you ever heard of Eiji Tsuburaya or Tsuburaya
8 Productions Company?

9 THE PROSPECTIVE JUROR: No.

10 THE COURT: All right.

11 Are any of you of the new group have any close
12 friends or family that are employed in the entertainment
13 industry?

14 *(No response.)*

15 THE COURT: Have you had or ever had any
16 responsibility for drafting or negotiating contracts?

17 *(No response.)*

18 THE COURT: All right. Can you all keep an open
19 mind like the rest of your fellow jurors about the case
20 until you hear all the evidence presented, the jury
21 instructions, and the argument of counsel?

22 *(The prospective jurors indicated in the affirmative.)*

23 THE COURT: And can you follow the law even if you
24 don't agree with it?

25 *(The prospective jurors indicated in the affirmative.)*

1 THE COURT: And the last questions. Can you
2 render a verdict solely on the evidence that's presented
3 before you? Does anyone have any issue with doing that?

4 (No response.)

5 THE COURT: I see no hands.

6 And is there anything that we haven't talked about
7 that would go to your ability to be fair and impartial to
8 both sides in this case?

9 (The prospective jurors responded.)

10 THE COURT: Ms. Espinoza?

11 THE PROSPECTIVE JUROR: I just wanted to let you
12 know that my English is not very well.

13 THE COURT: Okay.

14 THE PROSPECTIVE JUROR: And there are some
15 sentences that I don't understand.

16 THE COURT: All right. Thank you.

17 THE PROSPECTIVE JUROR: I just want to be fair.

18 THE COURT: All right. Thank you for sharing that
19 although I would not know that. Your English sounds perfect
20 to me. But if you are picked on a jury -- selected on this
21 jury, I should say -- if you have any trouble understanding
22 anything that's being said in the courtroom -- and that
23 applies to anyone here -- raise your hand and we will make
24 sure that we clarify it for you.

25 So you should not be worried about that at all but

1 thank you for letting me know. I appreciate it.

2 All right. Is there anything else that we haven't
3 talked about that would affect or have an impact on your
4 ability to be fair to both sides in this case?

5 *(No response.)*

6 THE COURT: All right. Let's have a sidebar,
7 please.

8 *(The following was held at the bench:)*

9 THE COURT: So, Counsel, I don't know if we
10 discussed this before but I will ask for challenges for
11 cause and then we'll do your preemptories.

12 After you have exhausted your preemptories, I will
13 pick the first eight in the pool. All right?

14 So let's talk about: Are there any challenges for
15 cause, Mr. Quinn?

16 MR. QUINN: No challenges for cause, Your Honor.

17 THE COURT: Mr. Chibib?

18 MR. CHIBIB: No challenges.

19 THE COURT: Did I pronounce the name correctly?

20 MR. CHIBIB: It's Chibib.

21 THE COURT: Chibib. All right.

22 So now let's go to peremptory challenges or do you
23 need some time to think about this?

24 MR. CHIBIB: Do you mind if we have two minutes or
25 one minute, Your Honor?

1 THE COURT: I'll wait right here while you confer.

2 (Pillsbury attorneys conferred.)

3 MR. CHIBIB: Thank you, Your Honor.

4 THE COURT: So first peremptory is with Mr. Quinn,
5 the plaintiff.

6 MR. QUINN: The plaintiff passes, Your Honor.

7 THE COURT: All right.

8 Mr. Chibib.

9 MR. CHIBIB: Number 2, Your Honor.

10 THE COURT: Mr. Khaled?

11 MR. CHIBIB: Yes.

12 THE COURT: All right.

13 Next peremptory with the plaintiff.

14 MR. QUINN: We pass, Your Honor.

15 THE COURT: Mr. Chibib.

16 *(Pause in the proceedings.)*

17 THE COURT: We do need to challenge -- it goes
18 numerically: 1, 2, 3, 4, 5, 6, 7, 8, 9 are the current
19 pool.

20 MR. QUINN: Okay. Yeah. So we pass.

21 THE COURT: Right. So you pass. So I think we
22 will pick the first eight just so we're clear.

23 Ms. Cook, Mr. Siddiqui, Ms. Espinoza, Ms. Amaya,
24 Ms. Cetina, Ms. Gauthier, Mr. Wells, and Mr. Kucharik.

25 That will be our eight and so I will excuse

1 everyone thereafter. All right?

2 ALL COUNSEL: Yes.

3 THE COURT: And so once we swear the jury, will
4 you be prepared for opening?

5 MR. QUINN: Well, Your Honor, we might need a few
6 minutes to set up.

7 THE COURT: All right. So we'll take a recess,
8 you guys set up, and then we'll begin with your opening.

9 MR. QUINN: Thank you, Your Honor.

10 *(The following was in the prospective jurors' presence:)*

11 THE COURT: All right. So I'm going to read off
12 some names and to those names that I read off I'm going to
13 ask you to return to the jury room and thank you for your
14 service here today.

15 Mr. Contreras, thank you.

16 Mr. Garcia, thank you.

17 Mr. Khaled, thank you, sir.

18 Ms. Maluccio, thank you.

19 Ms. Kim, thank you.

20 Mr. Nguyen, thank you.

21 And, Mr. James, thank you as well.

22 So you may all return back to the jury room for
23 further instruction.

24 *(The named prospective jurors exited the courtroom.)*

25 THE COURT: And for the remainder of you, I'm

1 going to ask we reconfigure because you will be the jury on
2 this case. I would ask that four people be seated in the
3 back row and the remainder -- remaining three will be seated
4 in the front row.

5 So, Mr. Siddiqui, if you wouldn't mind moving over
6 one seat. Ms. Espinoza, you can sit next to Mr. Siddiqui.
7 Ms. Amaya and Ms. Cetina, you go to the front row as well as
8 Ms. Gauthier and Mr. Wells.

9 *(Pause in the proceedings.)*

10 THE COURT: All right.

11 Ladies and gentlemen, you are going to be the
12 jurors in our case. I'm going to ask that our courtroom
13 deputy swear you in at this time.

14 JURORS SWORN

15 THE CLERK: Please stand and raise your right
16 hand.

17 Ladies and gentlemen of the jury, do you solemnly
18 swear that you will well and truly try the cause now before
19 this Court and a true verdict therein render according to
20 the evidence and instructions of the Court, so help you God?

21 THE JURORS: I do.

22 THE CLERK: Please be seated.

23 THE COURT: All right.

24 Ladies and gentlemen of the jury, we're going to
25 take a brief recess because the parties are going to need

1 some time to set up before we begin with opening statement.

2 I'm also going to provide you with some opening
3 jury instructions to assist you as you begin the process of
4 serving on the jury and so you'll hear this admonition
5 repeatedly over the next few days.

6 Please do not form or express any opinion about
7 the case until the matter is finally submitted to you.
8 Don't talk to anyone or allow anyone to talk to you or don't
9 attempt to do any research of any kind on any subject
10 connected with this trial.

11 So we'll be in a brief recess and we'll come back
12 with opening statement.

13 THE CLERK: All rise for the jury.

14 *(The jurors exited the courtroom.)*

15 *(The following was held outside the jury's presence:)*

16 THE COURT: All right. Please be seated,
17 everyone. We'll take a brief recess while you all set up
18 for opening statements.

19 I'm going to have the opening jury instructions
20 which I will read before you begin the openings and then
21 we'll get the trial started. All right? So let's take
22 about a ten-minute recess.

23 *(Recess.)*

24 THE COURT: All right. Before we bring the jury
25 in, I want to confirm the parties have had a chance to look

1 at opening jury instructions.

2 MR. QUINN: Yes, we have.

3 THE COURT: Mr. Chibib?

4 MR. CHIBIB: Yes, we have.

5 THE COURT: Are there any objections that we need
6 to discuss before the jury comes in? I know there was a
7 discussion about the termination of the contract.

8 My thought as it relates to that is whether --
9 I'll allow you an opportunity to be heard, but do we need to
10 have that done given to the jury before opening statements?

11 MR. WEXLER: I think not, Your Honor. I think the
12 issue as to whether it's in the case, whether it's decided
13 by the Court or by the jury, is something that the jury is
14 going to have completely forgotten about by the time the
15 jury gets instructions.

16 THE COURT: Well, but there's another set of
17 instructions at the end of the trial.

18 MR. WEXLER: Exactly. And that's why I agree that
19 you don't need to include --

20 THE COURT: If we include them at all.

21 MR. WEXLER: Correct.

22 THE COURT: All right. So let's deal with that
23 after the fact. I thought we resolved it but you'll refresh
24 my memory at the end of the day so --

25 MR. WEXLER: Thank you, Your Honor.

1 THE COURT: -- let's deal with the opening jury
2 instructions so why don't we bring in the jury and then so
3 the plan for this afternoon is I think I'll instruct,
4 plaintiff's opening.

5 Defense, will you be giving an opening?

6 MR. CHIBIB: Yes, Your Honor.

7 THE COURT: You'll do the opening so hopefully by
8 that time that might be the end of the day. Maybe we'll
9 call a witness. We'll see how long you each have.

10 Did I give you both five minutes for opening?

11 *(Laughter.)*

12 MR. CHIBIB: Forty-five minutes, Your Honor.

13 THE COURT: Forty-five minutes each.

14 All right. And I assume you'll take the 45
15 minutes? Is that a fair --

16 MR. QUINN: Your Honor, I think we'll actually
17 come in under that.

18 THE COURT: All right.

19 MR. CHIBIB: And we'll come under it as well.

20 THE COURT: All right. So let's bring in the
21 jury, then.

22 *(Pause in the proceedings.)*

23 THE CLERK: All rise for the jury.

24 *(The jurors entered the courtroom.)*

25 THE CLERK: Please be seated.

1 THE COURT: All right.

2 Ladies and gentlemen, we're going to provide you
3 with some preliminary opening jury instructions to guide
4 your consideration in the evidence in this case.

5 *(Pause in the proceedings.)*

6 PRELIMINARY JURY INSTRUCTIONS BY THE COURT

7 THE COURT: All right.

8 Ladies and gentlemen, you are now the jury in this
9 case and it's my duty to instruct you on the law and these
10 instructions are preliminary instructions to help you
11 understand the principles that apply to civil trials and to
12 help you understand the evidence as you listen to it.

13 You will be allowed to keep this set that you have
14 with you throughout the trial to refer to. This set of
15 instructions is not to be taken home and must remain in the
16 jury room when you leave in the evenings.

17 At the end of the trial, I will give you a final
18 set of instructions. It is the final set of instructions
19 that will govern your deliberations.

20 You must not infer from these instructions or from
21 anything that I may say or do as indicating that I have an
22 opinion regarding the evidence or what your verdict should
23 be.

24 It is your duty to find the facts from all the
25 evidence in the case. To those facts you will apply the law

1 as I give it to you. You must follow the law as I give it
2 to you whether you agree with it or not and you must not be
3 influenced by any personal likes or dislikes, opinions,
4 prejudices, or sympathy.

5 That means you must decide the case solely on the
6 evidence before you. You recall that you took an oath to do
7 so.

8 In following my instructions, you must follow all
9 of them and not single out some and ignore others. They are
10 all important.

11 To help you follow the evidence, I will give you a
12 brief summary of the position of the parties.

13 Tsuburaya Productions Co. Ltd., TPC, asserts that
14 it is the owner of the copyrights in the Ultraman superhero
15 characters and all television series and motion pictures
16 based on those characters, the Ultraman works, and that UM
17 Corporation, UMC; Tiga Entertainment Co. Ltd., TIGA; and
18 Golden Media Group, Inc., GMG; have committed copyright
19 infringement by distributing or displaying Ultraman works in
20 the United States without TPC's authorization.

21 UMC, TIGA, and GMG deny TPC's claim.

22 UMC, TIGA, and GMG assert a defense to TPC's claim
23 that they have a valid license to distribute Ultraman works
24 in the United States pursuant to a license agreement dated
25 March 4th, 1976, between TPC and Sompote Saengduenchai,

1 Mr. Sompote, which was later assigned to UMC.

2 TPC asserts that the March 4th, 1976, License
3 Granting Agreement, is not an authentic contract but,
4 rather, was fabricated and forged by Mr. Sompote and that
5 even if the document was ever an authentic contract, it had
6 been terminated and is no longer in effect.

7 TPC has the burden of proving that UMC, TIGA, and
8 GMG have committed copyright infringement.

9 UMC, TIGA, and GMG have the burden of proving that
10 the March 4th, 1976, License Granting Agreement is
11 authentic and provides a defense to TPC's copyright
12 infringement claim.

13 TPC has the burden of proving that if the
14 March 4th, 1976, License Granting Agreement was an
15 authentic contract, it has been terminated.

16 When a party has the burden of proof on any claim
17 or affirmative defense by a preponderance of the evidence,
18 it means you must be persuaded by the evidence that a claim
19 or affirmative defense is probably true than not true.

20 You should base your decision on all of the
21 evidence regardless of which party presented it. You should
22 decide the case as to each party separately. Unless
23 otherwise stated, the instructions apply to all parties.

24 The evidence you are to consider in deciding what
25 the facts are consist of the sworn testimony of any witness,

1 the exhibits which are received into evidence, any facts to
2 which the lawyers have agreed; and any facts that I may
3 instruct you to accept as proved.

4 In reaching your verdict you may consider only the
5 testimony and exhibits received into evidence.

6 Certain things are not evidence and you may not
7 consider them in deciding what the facts are. I will list
8 them for you.

9 Arguments and statements by lawyers are not
10 evidence. The lawyers are not witnesses. What they may say
11 in their opening statements, closing arguments, and at other
12 times is intended to help you interpret the evidence but it
13 is not evidence.

14 If the facts as you remember them differ from the
15 way the lawyers have stated them, your memory of them
16 controls.

17 Questions and objections by lawyers are not
18 evidence. Attorneys have a duty to their clients to object
19 when they believe a question is improper under the rules of
20 evidence. You should not be influenced by the objection or
21 by the Court's ruling on it.

22 Testimony that is excluded or stricken or that you
23 may be instructed to disregard is not evidence and must not
24 be considered. In addition, some evidence may be received
25 for only a limited purpose.

1 When I instruct you to consider certain evidence,
2 only for a limited purpose, you must do so and you may not
3 consider that evidence for any other purpose.

4 Anything you may see or hear when the court is not
5 in session is not evidence. You are to decide the case
6 solely on the evidence received at trial.

7 Some evidence may be admitted for a limited
8 purpose. When I instruct you that an item of evidence has
9 been admitted for a limited purpose, you must consider it
10 only for that limited purpose and not for any other purpose.

11 Evidence may be direct or circumstantial.

12 Direct evidence is direct proof of a fact such as
13 testimony by a witness about what that witness personally
14 saw or heard or did.

15 Circumstantial evidence is proof of one or more
16 facts from which you could find another fact. You should
17 consider both kinds of evidence. The law makes no
18 distinction between the weight to be given to either direct
19 or circumstantial evidence. It is for you to decide how
20 much weight to give any evidence.

21 By way of example, if you wake up in the morning
22 and see that the sidewalk is wet, you may find from that
23 fact that it rained during the night.

24 However, other evidence such as a turned-on garden
25 hose may provide a different explanation for the presence of

1 water on the sidewalk.

2 Therefore, before you decide that a fact has been
3 proved by circumstantial evidence, you must consider all of
4 the evidence in light of reason, experience, and common
5 sense.

6 There are rules of evidence that control what can
7 be received into evidence. When a lawyer asks a question or
8 offers an exhibit into evidence and a lawyer on the other
9 side thinks that it is not permitted by the rules of
10 evidence, that lawyer may object.

11 If I overrule the objection, the question may be
12 answered or the exhibit received. If I sustain the
13 objection, the question cannot be answered and the exhibit
14 cannot be received.

15 Whenever I sustain an objection to a question, you
16 must ignore the question and must not guess what the answer
17 might have been.

18 Sometimes I may order that evidence be stricken
19 from the record and that you disregard or ignore the
20 evidence. That means that when you are deciding the case,
21 you must not consider the stricken evidence for any purpose.

22 In deciding the facts in this case, you may have
23 to decide which testimony to believe and which testimony not
24 to believe. You may believe everything a witness says or
25 part of it or none of it.

1 In considering the testimony of a witness, you may
2 take into account the opportunity and ability of the witness
3 to see or hear or know the things testified to;

4 The witness's memory;

5 The witness's manner while testifying;

6 The witness's interest in the outcome of the case
7 if any;

8 The witness's bias or prejudice if any;

9 Whether other evidence contradicted the witness's
10 testimony;

11 The reasonableness of the witness's testimony in
12 light of all of the evidence and any other factors that bear
13 on believability.

14 Sometimes a witness may say something that is not
15 consistent with something else he or she said. Sometimes
16 different witnesses will give different versions of what
17 happened.

18 People often forget things or make may mistakes in
19 what they remember. Also, two people may see the same event
20 but remember it differently.

21 You may consider these differences but do not
22 decide the testimony is untrue just because it differs from
23 other testimony.

24 However, if you decide that a witness has
25 deliberately testified untruthfully about something

1 important, you may choose not to believe anything that
2 witness said.

3 On the other hand, if you think the witness
4 testified untruthfully about some things but told the truth
5 about others, you may accept the part you think is true and
6 ignore the rest.

7 The weight of the evidence as to a fact does not
8 necessarily depend on the number of witnesses who testify.
9 What is important is how believable the witnesses are and
10 how much weight you think their testimony deserves.

11 I urge you to pay close attention to the trial
12 testimony as it is given. During deliberations you will not
13 have a transcript of the trial testimony.

14 If at any time you cannot hear or see the
15 testimony, evidence, questions or arguments, please let me
16 know so that I can correct the problem.

17 If you wish, you may take notes to help you
18 remember the evidence. If you do take notes, please keep
19 them to yourself until you go to the jury room to decide the
20 case.

21 Do not let note-taking distract you. When you
22 leave, your notes should be left in the jury room. No one
23 will read your notes and your notes will be destroyed after
24 the trial.

25 Whether or not you take notes, you should rely on

1 your own memory of the evidence. Notes are only to assist
2 your memory. You should not be overly influenced by your
3 notes or those of other jurors.

4 From time to time it may become necessary for me
5 to talk with the attorneys out of the hearing of the jury
6 either by having a conference at the bench when the jury is
7 present in the courtroom or by calling a recess.

8 Please understand that while you are waiting we
9 are working. The purpose of these conferences is not to
10 keep relevant information from you but to decide how certain
11 evidence is to be treated under the rules of evidence and to
12 avoid confusion and error.

13 Of course we will do what we can to keep the
14 number and length of these conferences to a minimum. I may
15 not always grant an attorney's request for a conference.

16 Do not consider my granting or denying a request
17 for a conference as any indication of my opinion of the case
18 or of what your verdict should be.

19 Trials proceed in the following way.

20 First, each side may make an opening statement.
21 An opening statement is not evidence. It is simply an
22 outline to help you understand what that party expects the
23 evidence will show. A party is not required to make an
24 opening statement.

25 TPC will then present evidence and counsel for

1 UMC, TIGA, and GMG may cross-examine. Then UMC, TIGA, and
2 GMG may present evidence and counsel for TPC may
3 cross-examine.

4 After the evidence has been presented, I will
5 instruct you on the law that applies to the case and the
6 attorneys will make closing arguments.

7 After that, you will go to the jury room to
8 deliberate on your verdict.

9 I will now say a few words about your conduct as
10 jurors.

11 First, please keep an open mind throughout the
12 trial and do not decide what the verdict should be until you
13 and your fellow jurors have completed your deliberations at
14 the end of the case.

15 Second, because you must decide this case based
16 only on the evidence received in the case and on my
17 instructions as to the law that applies, you must not be
18 exposed to any information about the case or to the issues
19 it involves during the course of your jury duty.

20 Thus, until the end of the case or unless I tell
21 you otherwise, do not communicate with anyone in any way and
22 do not let anyone else communicate with you in any way about
23 the merits of the case or anything to do with it.

24 This includes discussing the case in person, in
25 writing, by phone or electronic means, via e-mail, text

1 messaging or any Internet chatroom, blog, website or
2 application including but not limited to Facebook, YouTube,
3 Twitter, Instagram, LinkedIn, Snapchat, or any other forms
4 of social media.

5 This applies to communicating with your fellow
6 jurors until I give you the case for deliberation and it
7 applies to communicating with everyone else including your
8 family members, your employer, the media or press, and the
9 people involved in the trial.

10 Although you may notify your family and your
11 employer that you have been seated as a juror in the case
12 and how long you expect the trial to last.

13 But if you're asked or approached in any way about
14 your jury service or anything about this case, you must
15 respond that you have been ordered not to discuss the matter
16 and report the contact to the Court.

17 Because you will receive all the evidence and
18 legal instruction you properly may consider to return a
19 verdict, do not read, watch, or listen to any news or media
20 accounts or commentary about the case or anything to do with
21 it.

22 Although I have no information that there will be
23 news reports about this case, do not do any research such as
24 consulting dictionaries, searching the Internet or using
25 other reference materials; and do not make any investigation

1 or in any other way try to learn about the case on your own.

2 Do not visit or view any place discussed in this
3 case and do not use Internet programs or other devices to
4 search for or view any place discussed during the trial.

5 Also, do not do any research about this case, the
6 law, or the people involved including the parties, the
7 witnesses, or the lawyers until you have been excused as
8 jurors.

9 If you happen to read or hear anything touching on
10 this case in the media, turn away and report it to me as
11 soon as possible.

12 These rules protect each parties' right to have
13 this case decided only on evidence that has been presented
14 here in court.

15 Witnesses here in court take an oath to tell the
16 truth and the accuracy of their testimony is tested through
17 the trial process.

18 If you do any research or investigation outside
19 the courtroom or gain any information through improper
20 communications, then your verdict may be influenced by
21 inaccurate, incomplete, or misleading information that has
22 not been tested by the trial process.

23 Each of the parties is entitled to a fair trial by
24 an impartial jury; and if you decide the case based on
25 information not presented in court, you will have denied the

1 parties a fair trial.

2 Remember you have taken an oath to follow the
3 rules and it is very important that you follow these rules.
4 A juror who violates these restrictions jeopardizes the
5 fairness of these proceedings and a mistrial could result
6 that would require the entire trial process to start over.

7 If any juror is exposed to any outside
8 information, please notify the Court immediately.

9 You may hear testimony of witnesses who will be
10 testifying in the Japanese or Thai language. Witnesses who
11 do not speak English or are more proficient in another
12 language testify through an official court interpreter.

13 Although some of you may know the Japanese or Thai
14 language, it is important that all jurors consider the same
15 evidence. Therefore, you must accept the interpreter's
16 translation of the witness's testimony. You must disregard
17 any different meaning.

18 You must not make any assumptions about the
19 witness or a party based solely on the use of an interpreter
20 to assist that witness or party.

21 All right. With that, counsel for the plaintiff,
22 are you ready to proceed with an opening statement?

23 MR. QUINN: Yes, Your Honor.

24 THE COURT: All right.

25 You may proceed.

1 OPENING STATEMENT BY MR. QUINN

2 MR. QUINN: Good afternoon, ladies and gentlemen.

3 As you've heard, my name is John Quinn and we
4 represent the plaintiff in this case Tsuburaya Productions.

5 The defendant in this case, UM Corporation
6 sometimes referred to as UMC, has a piece of photocopy paper
7 that it claims shows a real contract.

8 They say that this piece of photocopy paper grants
9 them worldwide rights to a superhero character named
10 Ultraman including the rights to hundreds of television
11 episodes, two dozen theatrical -- that is motion pictures --
12 and countless items of merchandise created by Tsuburaya
13 Productions over 50 years. Rights in every country on earth
14 except Japan.

15 Quite a piece of paper.

16 We will prove that that piece of paper, that
17 purported contract, is a fake and a forgery that first
18 surfaced in the hands of a man named Sompote, Mr. Sompote, a
19 man in Thailand who has a criminal conviction, ladies and
20 gentlemen, for submitting false documents to the court.

21 A man who has refused to attend this trial so that
22 you can hear his own explanations concerning this document
23 which he first provided to Tsuburaya 20 years after the date
24 of the document.

25 We will prove that because this document is a

1 forgery, our opposing party, UMC, has no rights to
2 distribute our valuable Ultraman works outside of Japan
3 including in the U.S.

4 And we will prove that because UMC has in fact
5 distributed Ultraman works in the U.S. without any right to
6 do so, they have committed copyright infringement.

7 Let me tell you about my client Tsuburaya
8 Productions sometimes referred to as TPC. Tsuburaya
9 Productions is a Japanese company that produces films and
10 television shows for children.

11 It is in a sense, has been for over 50 years, a
12 family business. It was formed by the legendary Japanese
13 director Eiji Tsuburaya following which his son
14 Noboru Tsuburaya and his grandson Kazuo Tsuburaya who is
15 here today and will be here during the trial and you'll hear
16 from him. He'll testify in this case.

17 They each became president of the company after
18 the founder Eiji Tsuburaya. Tsuburaya is a very well-known
19 company in Japan.

20 Eiji Tsuburaya, the founder, is one of the
21 cocreators of "Godzilla"; and in addition to "Godzilla,"
22 Eiji created "Ultraman," the Ultraman characters, motion
23 pictures, and television shows.

24 (The exhibit was displayed on the screen.)

25 MR. QUINN: What we have on the screen here is an

1 image from the Ultraman hero from a 1967 television series
2 "Ultraman."

3 Now, Ultraman is very famous. It's iconic in
4 Japan and in Asia, as popular and as well-known as
5 "Superman" or "Spider-Man" are in the United States.

6 All the Ultraman characters come from the same
7 planet. This is the theme. They have a common theme, all
8 the TV shows and motion pictures.

9 They come from the same planet. They come to
10 earth. They help humans fight a variety of different kinds
11 of monsters and you're going to see some of these different
12 monsters.

13 There are hundreds of Ultraman works and hundreds
14 of characters that exist. The Ultraman hero characters
15 include the original "Ultraman," "Ultra Seven," "Ultra Ace,"
16 and "Ultraman Taro." New Ultraman series come out all the
17 time.

18 These Ultraman movies and shows have been coming
19 out since the 1960s and one came out just this last year
20 called "Ultraman Geed."

21 Each Ultraman character is a little bit different.
22 They have different powers, different personalities,
23 different appearances; and the monsters that they fight are
24 all different. There are something like over 1500 different
25 monsters in the "Ultraman" series.

1 (An exhibit was displayed on the screen.)

2 MR. QUINN: We have here -- and this will come
3 into evidence and you'll have an opportunity to see it.
4 This is evidence. This is Exhibit 2002. It's a book that
5 shows many of these Ultraman characters and monsters and
6 heroes.

7 Kids in Japan and in Asia in general know these
8 characters, both the old ones and the new ones. The kids
9 know the theme songs by heart.

10 There is even an informal national holiday in
11 Japan. It's, I think, July 10th which is observed as
12 Ultraman Day. This is the date when Ultraman was first
13 broadcast on television in Japan.

14 Now, 2016, last year, was Ultraman's 50th
15 anniversary; and here's a short video. I'm going to show
16 you a part of a video that was created in honor of the
17 50th anniversary; and it will introduce you to Ultraman
18 and to the classic "Ultraman" series that were recreated in
19 the early '60s and '70s.

20 Ken, could we just play that clip.

21 *(The videotape was played.)*

22 MR. QUINN: Over 50 years ago in its time this was
23 cutting-edge imagery and technology.

24 As you can imagine, over the course of the 50
25 years creating those hundreds of TV episodes, the different

1 over 20 motion pictures, Tsuburaya Productions invested huge
2 amounts of time and resources in creating this work and huge
3 amounts of time and resources in promoting these works
4 outside of Japan and around the world.

5 Folks from Tsuburaya Productions would go to film
6 festivals around the world, film marts where motion pictures
7 and TV series are sold promoting the Ultraman characters for
8 decades.

9 We also licensed the Ultraman characters for toys,
10 products, and books. We've got some of them on display that
11 we're showing you here. These are Exhibits 2245 to 2291.
12 We've always had this type of Ultraman merchandise that's
13 also been sold.

14 In other words, Tsuburaya Productions has created
15 a very valuable, over the course of 50 years, character
16 investment and brand in Ultraman.

17 There will be no dispute that except for one movie
18 that Mr. Sompote made with us, Tsuburaya Productions has
19 made every single Ultraman movie and television program and
20 designed and created every single one of the thousands of
21 characters.

22 To this day Tsuburaya Productions is continuing to
23 make and distribute Ultraman works around the world.
24 Hollywood studios actually have approached Tsuburaya
25 Productions to make a new English-language movie.

1 There's a lot of interest in bringing Ultraman to
2 the West and to the United States and on really promoting it
3 on a global basis.

4 However, the claim of the defendants in this case
5 that they own all this, that they own the character, that
6 they own all the movies and TV episodes that Tsuburaya
7 Productions has created, that they own it all outside of
8 Japan based on this one single piece of photocopy paper has
9 become a barrier to our ability to introduce this product in
10 the West and in the United States.

11 It's what's called a cloud on the title to the
12 ownership of Ultraman; and that is the claim that you're
13 here to help us decide.

14 In June 1995, the president of TPC and
15 Eiji Tsuburaya's son, Noboru Tsuburaya, died unexpectedly.
16 This was a tremendous blow to his family and the company.

17 He was only 60 years old at the time. He had been
18 the man who helped create and build Ultraman all through the
19 1970s, 1980s, and 1990s. He grew it into the international
20 success that it was.

21 You're going to meet and hear from Eiji's grandson
22 and Noboru's son, Kazuo Tsuburaya, who is sitting here at
23 the counsel table with us.

24 You'll also meet several other of our past and
25 present employees who have come from Japan to talk to you in

1 this trial. This include Mr. Morishima, Mr. Ooka, and
2 Mr. Minamitani.

3 Someone who you won't meet in this trial, the
4 central figure who produced this one-page document, is
5 Mr. Sompote.

6 And let me tell you about Mr. Sompote and his
7 companies and also his son Mr. -- his name is Perasit
8 Saengduenchai. Saengduenchai is the name. It's a Thai
9 name -- who you will meet the son but you won't meet Sompote
10 because he won't be here.

11 We'll refer to the son mostly as Mr. Pete, mostly
12 because I have a hard time pronouncing that last name.

13 The defendant in this case is Pete's company
14 called UMC and you'll hear from Mr. Pete in this trial. But
15 what you'll learn through the evidence in this case is that
16 the real opposing party is Mr. Pete's father, Mr. Sompote,
17 Sompote Saengduenchai.

18 We'll call him Mr. Sompote. He also lives in
19 Thailand but you'll not meet him here because he's refused
20 to come.

21 Mr. Sompote and Mr. Noboru Tsuburaya were friends
22 for many years. They worked together on several films
23 including one Ultraman film called "Hanuman" in 1974.

24 Over time, Mr. Noboru and Mr. Sompote drifted
25 apart. They were still on friendly terms but not as close.

1 Mr. Sompote was in Thailand. He's also a filmmaker. He
2 made more than 20 films in Thailand.

3 And between the 1970s and 1980s, in addition to
4 producing films, he distributed his films in Thailand and in
5 other countries.

6 His son Mr. Pete is also in the film business and
7 also helped him doing the film work that he was doing in
8 Thailand including by attending these international film
9 festivals and film markets that I referred to.

10 Now, for many years I told you that Mr. Sompote
11 and Mr. Noboru had been friends and had kind of drifted
12 apart and for many years we hadn't heard much of
13 Mr. Sompote.

14 Then in June of 1995, as I told you, Mr. Noboru
15 somewhat unexpectedly died. Mr. Sompote came to
16 Mr. Noboru's funeral in Japan to pay his respects to his old
17 friend.

18 When Mr. Noboru died, his 34-year-old son, the
19 grandson of the founder Eiji, Kazuo became the president of
20 the company.

21 He was in his early 30s at the time and he will
22 tell you he didn't think he was necessarily prepared to at
23 that point to become president of the company.

24 He had been president of the company for only a
25 short period of time in May 1996 when Mr. Sompote came from

1 Thailand and showed up in TPC's offices in Tokyo with his
2 son Mr. Pete.

3 Mr. Sompote told Mr. Kazuo a story about his
4 father, Mr. Noboru, a story about things that he said had
5 happened when Mr. Kazuo was a fifteen-year-old boy way back
6 in 1976.

7 When Mr. Sompote came to Mr. Kazuo's office, he
8 had a piece of paper in his hand, written in English, that
9 he says was signed by Mr. Noboru, Kazuo's father, way back
10 in 1976, 20 years before.

11 He showed it to us but he wouldn't leave it with
12 us and he would not let us make a copy.

13 (The exhibit was displayed on the screen.)

14 MR. QUINN: This is Exhibit No. 4A. You'll hear a
15 lot -- you'll see many references to it. It's often
16 referred to in the case as the 1976 document.

17 Mr. Sompote at that occasion in 1996 told
18 Mr. Kazuo that -- he said that in this piece of paper
19 Mr. Noboru, his father, had 20 years before had granted him
20 all the rights to all the Ultraman works that Tsuburaya
21 Productions had created. All of them outside Japan.

22 To say that we were surprised is a mild
23 understatement. No one at our company, ladies and
24 gentlemen, had ever seen this document. There wasn't a copy
25 in our files.

1 Mr. Sompote himself has admitted -- he admitted
2 and you'll see the testimony because there is testimony that
3 was taken in a prior proceeding.

4 He admitted that before he showed this document to
5 us in 1996, he had never shown it to anyone except, he says,
6 his son Mr. Pete. He had kept this for 20 years to himself
7 not showing it to anyone.

8 And of course at this time we couldn't ask
9 Mr. Noboru who supposedly was the one who entered into the
10 document with him because he had passed away.

11 Mr. Sompote said that he was being embarrassed in
12 Thailand because Tsuburaya Productions and its distribution
13 agent in the U.S. called Ultracom had been claiming rights
14 to Ultraman which caused people to believe that Mr. Sompote
15 didn't actually have the rights he claimed he had under this
16 piece of paper.

17 Mr. Sompote said he told Mr. Kazuo that even
18 though this document supposedly gave him rights in all
19 Ultraman works all around the world outside of Japan, that
20 all he wanted to do was to have the right to distribute
21 Ultraman in Thailand and four or five adjacent countries.

22 He said that's all I want. This document gave me
23 everything. This is all I'm asking for.

24 Mr. Kazuo's reaction to that was this might
25 actually be a good thing because we were struggling in

1 Thailand. Mr. Sompote was very well known in the industry
2 in Thailand and we thought he might be a good distributor
3 and could help our business in those countries.

4 So at first we thought we can do business with him
5 as a distributor as actually they had done many, many years
6 before; and we want to avoid any litigation or disputes
7 about this which would result in a cloud on title which is
8 exactly of course what I told you has happened.

9 But Mr. Sompote told us: Okay. The one thing --
10 there's one other thing I need. If we're going to do
11 business together, I need you, Tsuburaya Productions, to
12 write me a letter apologizing for not recognizing my rights
13 so that people in the movie business in Thailand would be
14 willing to work with him again.

15 He said: I've been embarrassed. You need to help
16 restore my honor. Mr. Kazuo, please write this letter.
17 Write an apology.

18 Now, Mr. Kazuo did not want to dishonor his father
19 and his father's old friend and their old relationship.
20 They had been close friends in the past and he thought that
21 doing business with Mr. Sompote in Thailand, as I said,
22 might be a very good thing and he certainly didn't want any
23 lawsuits.

24 So he apologized and he and Mr. Sompote signed a
25 letter that Mr. Sompote said he needed in order to restore

1 his reputation in Thailand.

2 (The exhibit was displayed on the screen.)

3 MR. QUINN: And this is the letter you see on the
4 screen. It's Exhibit 144. You'll have a chance to see the
5 full text of this letter.

6 As Mr. Sompote asked, we said we're sorry in the
7 letter for not recognizing the rights that you claim to have
8 under this 20-year-old piece of paper which nobody has ever
9 seen before and that we hope that, as the letter says, our
10 letter of clarification would serve to restore your
11 integrity and credibility in Thailand.

12 But at no point in their discussions about this
13 letter or even in the letter itself did Mr. Sompote tell us
14 that what he actually intended to do, once he got this
15 letter, was to exercise global rights in Ultraman outside
16 Japan everywhere in the world based on this one-page piece
17 of paper.

18 The first time he even said that he would claim
19 global rights in Ultraman was after he got Mr. Kazuo to sign
20 this letter.

21 And after he got the letter, he not only claimed
22 those global rights in Ultraman but also claimed rights to
23 all the Ultraman works, all those things I told you about:
24 The hundreds of TV episodes, the 20 theatrical movies, not
25 just the few classic original Ultraman works but all the

1 Ultraman works that our company had made since 1976 at a
2 huge investment and also any works we might own and we might
3 make in the future because, again, he said this document
4 gave me Ultraman, all of it outside of Japan.

5 In other words, armed with this one-page
6 20-year-old document that he had never shown to anyone
7 before and with our letter which we gave him at his request
8 to help restore his reputation, he was going to take over
9 the brand outside of Japan forever.

10 After Mr. Noboru had died and Mr. Sompote got the
11 letter from us, he actually did begin to distribute Ultraman
12 works even though he claims that in the previous 20 years,
13 based on that document, he could have done it at any time.

14 Mr. Sompote also started working with his son
15 Mr. Pete in his new Ultraman business; and after awhile,
16 Mr. Sompote assigned what he said were his rights to
17 Ultraman which he owned everything he claimed, to his son
18 Mr. Pete and his son assigned them to a company he created,
19 one of the defendants in this case, UMC.

20 Mr. Pete will tell you he says his view is that
21 his company UMC has all the rights to all of Ultraman
22 outside of Japan to this very day.

23 To recap, after Mr. Noboru died and Mr. Sompote
24 got the letter from us which we gave him because he said he
25 needed it in order to restore his reputation, he claimed for

1 the very first time that he had worldwide rights.

2 Now, you're going to learn that he didn't have
3 those rights and that this document was a forgery; and the
4 proof of this, ladies and gentlemen, is the parties' actions
5 during that 20-year period, 1976 where he got this document
6 and 1996 after Mr. Noboru, who was the other party who
7 signed the document, passes away and he shows up with it.

8 You know, there's an expression that actions speak
9 louder than words; and if you look at the actions of the
10 parties, who is doing what in that 20-year period, the
11 evidence will show that during those decades of time we
12 acted at all times that we owned the rights. We were making
13 movies, making products, and we were Ultraman to the world.

14 During those decades, Mr. Sompote never acted like
15 he owned those rights. And first let's talk about TPC's
16 conduct during those 20 years.

17 I talked earlier about the way that TPC had grown
18 the Ultraman brand and distributed these works around the
19 world. A lot of this happened during those 20 years between
20 '76 and '96.

21 During that period, the Ultraman television series
22 and movies were shown and distributed all over the world.
23 To do this distribution, we entered into licensing
24 agreements with scores of distributors around the world.

25 If we could look at slide 11.

1 And this is just an animation of some of the
2 titles that we created.

3 If we can pull that up, Ken.

4 (The exhibit was displayed on the screen.)

5 MR. QUINN: We are clear during that 20 years we
6 are Ultraman. We are exploiting this. We are creating
7 Ultraman works. It will make very clear that -- the
8 evidence will be very clear that we were acting like the
9 company that had all the worldwide rights.

10 Now, what was Mr. Sompote doing? He had this
11 piece of paper which he had never shown to anyone. At the
12 time we were publicly being Ultraman and selling Ultraman
13 product and creating works, he was never objecting to what
14 we were doing, although he now says he had this document
15 that gave him all these rights.

16 There was no time when he came forward to us
17 during that 20-year period and said: Wait. Stop doing
18 this. Those are my rights. Not until after Mr. Noboru
19 passed away.

20 He never objected to anything we were doing, never
21 picked up the phone and said: Why are you doing that?
22 Never sent us a cease-and-desist letter. Never asked for
23 royalties from any of our sales; any of the things that you
24 would have expected of somebody to do if they actually did
25 own the rights.

1 He knew that we were Ultraman to the world. There
2 was no secret about that. In fact, you're going to hear
3 testimony that he would go to some of these film markets and
4 festivals and he would see us there promoting our product
5 and there was no secret about -- we're very public about it.
6 But at no time was he ever objecting and saying: Stop.
7 Wait a minute. I actually own this.

8 So the evidence will be that he did know we were
9 promoting it. He did know we owned it. He never objected.
10 He also never made any Ultraman movies himself. He never
11 made any TV episodes except for one, one movie or TV episode
12 that he did in cooperation with us.

13 Mr. Sompote's son Pete may talk about some of the
14 things that he heard -- he heard that his father did in
15 those 20 years like license a character for a movie video or
16 he may say: My father actually made some toys.

17 But you're not going to see a single contract.
18 You're not going to see a single document, any piece of
19 paper, no merchandising agreements, no production
20 agreements, no toys, nothing indicating that Mr. Sompote or
21 Pete during that 20-year period, where they claimed to have
22 all the Ultraman rights, were actually doing anything.

23 You also won't hear from a single person who said
24 that they did business with Mr. Sompote regarding Ultraman
25 during this period. In fact, you'll hear Mr. Sompote

1 himself admit that he did not use his claimed rights under
2 the contract.

3 It also will be undisputed that before
4 Mr. Tsuburaya died in 1995, Mr. Sompote never had his own
5 Ultraman booths at fairs or festivals.

6 He didn't do any of these things. Didn't act like
7 somebody who had these rights, not until after Mr. Noboru
8 died, the only living witness to this document which he said
9 that he signed with Mr. Noboru back in 1976.

10 During this 20-year period, not only was
11 Mr. Sompote not acting like a person who had these worldwide
12 rights to Ultraman, he acted in precisely the opposite way;
13 and this is shown by something that Mr. Sompote actually did
14 do during that period.

15 In 1984, Sompote took two Ultraman movies and
16 reedited them together to make a different movie called
17 "Hanuman and the Eleven Ultraman." It was supposed to be an
18 updated version of the "Hanuman" movie that he had made
19 years before.

20 To make this movie, Mr. Sompote used some footage
21 from the first "Hanuman" movie. He was allowed to do that
22 because he was a co-owner of the first movie. He had paid
23 us to make that movie.

24 The second movie that Mr. Sompote used to make his
25 1984 movie is called "Ultraman Zoffy." That is not a movie

1 that Sompote had made with us. We made it -- he made it in
2 1984. He -- we made it in 1984. We're the sole owners of
3 that.

4 So he realized that he wants to use parts of this
5 movie, he has to come to us; that we own it and he has to
6 pay us for it. And he did do that.

7 This is flat in the middle of the period, folks,
8 where he says he had this piece of paper and he owned
9 everything.

10 In the middle of it, he comes to us and gets
11 rights he needs to make this Ultraman movie. This is
12 Exhibit 171.

13 If we could take a look at that, Ken.

14 (The exhibit was displayed on the screen.)

15 MR. QUINN: They signed a three-page contract
16 giving him the right to use the movie "Ultraman Zoffy" for
17 five years and Mr. Sompote paid us \$8,000 to use that film
18 in just one country.

19 So what does this mean? In 1984, a person who
20 would later claim that as of that time he already owned
21 everything outside of Japan relating to Ultraman, paid us
22 for the rights to use "Ultraman Zoffy."

23 You don't need to buy what you already own. He
24 came to us. He knew he didn't own it.

25 I think that you will be able to conclude just

1 based on the evidence of the parties' conduct during that
2 20-year period that the alleged document, the 1976 document,
3 is a forgery.

4 But another way you'll be able to reach this
5 conclusion is the document itself. And when you look at it,
6 Exhibit 4A -- and you're going to be seeing it a lot -- it
7 lists two movies and seven TV shows and purports to give him
8 rights in these properties outside of Japan forever for no
9 stated amounts of money.

10 It's -- this document is very different you're
11 going to hear from the other documents that Tsuburaya
12 Productions actually entered into when they did enter into
13 licensing contracts.

14 For one thing, let's talk about the name of the
15 company that appears in this '76 piece of paper.

16 I think we can all agree that Mr. Noboru, the son
17 of the founder of the company and the president of the
18 company at the time, knew his company's actual name; and in
19 preparing a binding agreement, he'd put the right name here
20 in the document.

21 This document, the '76 document, in two places
22 this document lists the name of a company that doesn't
23 exist. This is highlighted here. There is no such company,
24 never has been such a company.

25 There are other errors in this document that

1 you're going to hear about. There's errors in the titles of
2 the listed works.

3 There are no money terms in the contract. It's a
4 one-page document that purports -- remember -- to give him
5 unlimited use outside of Japan and ownership of everything
6 relating to Ultraman.

7 It doesn't say a word about what we would get. I
8 mean, if it were real. It doesn't say how much Mr. Sompote
9 would pay for these rights. There is nothing about it.

10 Now, he claims -- Mr. Sompote claims that
11 Tsuburaya Productions could not pay him any money; that, you
12 know, we were broke; that we already owed him a lot of money
13 so that we -- this is his account -- we wanted to give him
14 the rights to Ultraman in exchange for his forgiving debt
15 that he says that we owed him.

16 You won't see that in the document either.
17 There's nothing in there about forgiving debt. There's
18 nothing in there about debts that are owed.

19 You will see also that the document has what looks
20 like the signature of Noboru Tsuburaya and also a seal; and
21 this, the defendants will argue, that the seal alone proves
22 that the document is authentic.

23 But the truth of the matter, the fact that it has
24 both a signature and a seal proves the opposite, proves it's
25 inauthentic because you will hear that Tsuburaya used its

1 seal in Japanese-language agreements.

2 (The exhibit was displayed on the screen.)

3 MR. QUINN: This is a Japanese seal called a hanko
4 that's used for Japanese documents; and on the screen here
5 you have various exhibits.

6 2161 to 2166 are examples of Japanese-language
7 documents that Tsuburaya entered into and there's a seal.
8 There's not also a signature.

9 When Noboru Tsuburaya entered into
10 English-language contracts, he used his signature; and here
11 are some examples here. English-language documents using
12 the signature.

13 (The exhibit was displayed on the screen.)

14 MR. QUINN: You'll hear that putting both a
15 signature and a seal on an English-language document is not
16 something that Noboru ever did.

17 You'll be able to look at actual agreements that
18 the Tsuburaya Production Company entered into and compare it
19 to this.

20 (The exhibit was displayed on the screen.)

21 MR. QUINN: If we go back to that "Zoffy"
22 contract, remember I told you he paid \$8,000 in order to get
23 the rights to use "Ultraman Zoffy" at slide 171; and this is
24 an actual -- everybody agrees this is an authentic contract
25 and this contract contains all the things that Mr. Sompote's

1 1976 document doesn't have.

2 It accurately describes, lists the name of the
3 company. There's the actual name. It actually has the
4 right names of the Ultraman works, unlike the 1976 document.

5 It specifies what distribution rights are being
6 transferred for theater screening only. It has a restricted
7 territory. It says Thailand. And it contains a specific
8 time limit for five years.

9 It contains payment terms. Again, something that
10 isn't in that 1976 document. Again, the payment terms
11 \$8,000 for one movie in one country.

12 And it's signed by both parties to the contract,
13 Mr. Tsuburaya and Mr. Sompote as the licensor and licensee.
14 It's an English-language document, therefore, it has
15 signatures and it also doesn't have a seal.

16 Another reason you'll know that this document is a
17 fake is because the signature is a fake. It's not
18 Mr. Noboru's signature. They will show you a photocopy of
19 this 1976 document.

20 They will not show you the original because they
21 say they don't have it and, according to Mr. Pete's last
22 testimony, he doesn't know where it is.

23 Now, that's, we submit, you may conclude that's
24 convenient because when you have the original there are a
25 lot of things you can do to check an original to see if it's

1 authentic.

2 You can look at the paper, you can look at the
3 ink, you can see if it's old. You can see if it's dried
4 out. If it contains chemicals or you can date it.

5 There's a lot of things you can do with an
6 original document to test whether it is what it purports to
7 be.

8 You can call witnesses. But you can look -- you
9 can't do those things with a photocopy which is all that
10 they'll present here in court.

11 And we will call witnesses and one of them is an
12 expert in handwriting and signatures and that's
13 Lloyd Cunningham who is a nationally recognized expert in
14 handwriting analysis.

15 He's one of the most preeminent forensics
16 examiners and experts on handwriting in the United States.

17 (The exhibit was displayed on the screen.)

18 MR. QUINN: You can see some of his qualifications
19 there on the screen. He has 35 years of professional
20 experience.

21 And I have to tell you that unfortunately we just
22 learned that he's going to have -- he must have a medical
23 procedure tomorrow and it's on his vocal cords and that may
24 mean that he can't talk which will mean he won't be able to
25 actually come here live and testify.

1 We're hoping he can talk. We're hoping that he
2 can come here and testify. But his deposition has been
3 taken so we have his videotaped testimony.

4 It's not ideal but, if necessary, you'll still
5 hear his opinions and the basis for his opinions by seeing
6 his videotaped deposition.

7 Mr. Cunningham reviewed the signature on the
8 1976 document and compared it to dozens of other signatures
9 of Mr. Noboru on contracts and other documents.

10 And he would -- he will explain to you why the
11 signature on this 1976 piece of paper was not actually
12 written by Mr. Noboru Tsuburaya, you know, and here's some
13 illustration here.

14 (The exhibit was displayed on the screen.)

15 MR. QUINN: On the left-hand side, you have the
16 questioned signature from the 1976 document. On the
17 right-hand side, we have known examples of Mr. Tsuburaya's
18 actual signature.

19 And we all know that people can write their own
20 real signature in a hurry. You can dash it off. But if
21 you're going to forge, if you're going to fake somebody's
22 signature, you can't just dash it off.

23 You have to kind of draw it and, you know, you
24 kind of -- or trace it like the writing of a child; and I
25 think you can see from looking at the document on the

1 left-hand side, the signature on the left-hand side, it's
2 very, very different than the known signatures.

3 The other side is also going to call an expert in
4 handwriting and document analysis, a Mr. Wakshull; and
5 you're going to have to decide whether Mr. Wakshull's
6 opinions are reliable because, as he had to admit, he's
7 never received training in being a document examiner.

8 You're going to hear that there is an industry
9 standard of minimum amount of training required to be a
10 qualified forensic document examiner and that is that you
11 must have had two years full-time internship under the
12 instruction of a qualified trainer.

13 That comes, folks, to about 2,000 hours per year
14 of full-time training. Mr. Wakshull doesn't have it. What
15 he has instead is a correspondence course or an online
16 course from a college in Tennessee that he completed at home
17 without any instructors.

18 The time it took is at most 90 hours; much, much
19 less than the close to 2,000 hours per year required under
20 the minimum standards.

21 And as a result probably of this lack of training,
22 Mr. Wakshull used methods and practices that render his
23 opinions completely unreliable.

24 In fact, you will hear that he's had to withdraw
25 some of the opinions he originally offered because he agreed

1 that he had made mistakes, that they were not supportable.

2 Another interesting thing about Mr. Wakshull is
3 that he has admitted -- he said that it's best if an expert
4 is retained by a party. It's best if they don't know what
5 conclusion that party wants them to reach; that they
6 independently look at the signature without knowing whether
7 the, you know, party who retained them wants them to find if
8 it's a real good signature or a bad signature.

9 That's the best thing because then you don't have
10 the bias that the person paying you, you know what
11 conclusion they want.

12 Well, Mr. Wakshull will have to admit to you that
13 he knew what conclusion UMC wanted. He knew UMC wanted him
14 to find that it was an authentic signature.

15 Mr. Cunningham, on the other hand, we gave him the
16 signature. We didn't tell him which way, you know, which
17 side we were on on that issue. He reached his own
18 independent conclusion.

19 Mr. Wakshull will also have to admit, because he's
20 only working with a copy of the 1976 document, not the
21 original, there's really no way for him or anyone else to
22 determine if it's genuine.

23 He will say things like, you know, the seal,
24 certain things in the document like the seal or the
25 letterhead look a lot like a seal or a letterhead that the

1 company was using at the time.

2 But he will say, you know, you really can't give a
3 definitive opinion because we don't have the original. The
4 original won't be here. They say they don't know where the
5 original is.

6 You also won't see the original document. You
7 also won't see a key individual in this case, Mr. Sompote.
8 We won't have a chance to ask him what he has to say about
9 all this and this document that he produced after 20 years
10 and after Mr. Noboru had passed away.

11 You know, he's still alive. He lives in Thailand.
12 He, of course, is still the father of Mr. Pete who you will
13 hear from trial.

14 Mr. Sompote is still asserting rights in Ultraman;
15 and just in 2015, he formed a company here in Los Angeles to
16 distribute Ultraman works here in Los Angeles and had a
17 press conference.

18 Mr. Sompote is, according to UMC, the last person
19 who actually had possession of the original 1976 document.
20 Mr. Pete and UMC told us they haven't seen the original in
21 years. They never had it. Mr. Sompote is the last one who
22 had it.

23 Now, Mr. Sompote won't be here not because we
24 didn't try to bring him here. Even though UMC first brought
25 this -- started this lawsuit, we named Mr. Sompote as a

1 party. We asserted claims against Mr. Sompote because
2 obviously he's an essential figure.

3 And we wanted an opportunity for him to come here
4 and so we could ask questions in front of you and you could
5 judge his credibility and so we did what we had to do. We
6 brought the lawsuit. We served him with a copy of the
7 lawsuit in Thailand.

8 He evaded service. He didn't want to -- that's
9 the next slide if we could show that.

10 (The exhibit was displayed on the screen.)

11 MR. QUINN: Some photographs were taken in
12 Thailand as we served him but he simply decided not to show
13 up.

14 So you're not going to hear from him and we will
15 not be able to ask him about what happened back in 1976. We
16 won't be able to ask him why is it that 20 years went by and
17 you didn't claim these worldwide rights in Ultraman.

18 Why, you know, you didn't object to the fact that
19 we were selling Ultraman during that time; that he didn't
20 make this claim until after Mr. Noboru died.

21 We won't be able to ask him where the original
22 document is because he won't show here; and we also won't be
23 able to ask him about the criminal conviction that he has in
24 Thailand for falsifying evidence and providing false
25 evidence to the court.

1 So you will just hear from Mr. Pete and you'll
2 hear from other people who have worked with Mr. Pete and
3 Mr. Sompote, and they will talk about why they think this
4 one-page photocopy of a 1976 document is real but here's the
5 thing.

6 They weren't there. It was a long time ago. They
7 don't know. And you can't tell actually what happened back
8 in March of 1976. They don't know and they can't tell us
9 and they'll admit that.

10 They don't know about any debt which we supposedly
11 owed them and which was supposedly forgiven.

12 They don't know anything about the original
13 drafting of this contract or why there are these errors in
14 the contract in terms of the names -- the name of the
15 company or the names of the works, the Ultraman works, why
16 those errors are there or why there isn't a price term there
17 or why there aren't all these other terms that I referred
18 to.

19 They can't show you the original because they
20 don't have it and they don't know where it is. Instead,
21 they're going to tell you a story through other documents
22 and through people who weren't there at the time.

23 And they're going to ask you to believe that
24 Mr. Sompote was telling the truth back in 1996 when, after
25 Mr. Noboru passed away, he first showed up in Tokyo with

1 this paper in hand and said: By the way, I own all the
2 Ultraman you've been working on for the last 20 years and I
3 own all the Ultraman products in the future.

4 So just to conclude here, folks, the overwhelming
5 evidence in this case will be that that piece of paper is
6 not legitimate; that Noboru did not transfer ownership of
7 the company's far and away, almost it's only asset, to
8 Sompote in 1976 pursuant to this one-page document.

9 That the Ultraman created by Kazuo Tsuburaya's
10 grandfather Eiji so many years ago is still owned by
11 Tsuburaya Productions; that this brand that was made so
12 famous by his son Noboru Tsuburaya and further developed by
13 his grandson Kazuo Tsuburaya still belongs to Tsuburaya
14 Productions and was not given away in this document in 1976.

15 Thank you very much for your attention.

16 THE COURT: Thank you, Counsel.

17 Mr. Chibib.

18 MR. CHIBIB: Yes, Your Honor. May I ask counsel
19 for TPC to remove the demonstrative so I can place the easel
20 over there.

21 THE COURT: All right. Why don't we do that,
22 please.

23 *(Pause in the proceedings.)*

24 THE COURT: All right, Counsel, you may proceed.

25 MR. CHIBIB: Thank you, Your Honor.

1 OPENING STATEMENT BY MR. CHIBIB

2 MR. CHIBIB: Good afternoon. I know it's been a
3 long day already and I will try to be brief.

4 So you heard Mr. Quinn and you saw some very neat
5 videos and you saw a table display full of Ultraman toys and
6 things. There's no dispute here today that TPC created
7 Ultraman. They invested in it, they made films, they made
8 TV series.

9 This is a case about a contract. This is a
10 case -- it's a classic case of buyer's remorse or, more
11 specifically, seller's remorse.

12 We've all heard stories about someone who owned
13 something and they sold it maybe during desperate times only
14 for that thing to later become much more valuable and for
15 them to regret it.

16 You may have heard the story of Ronald Wayne who
17 was one of the founders of Apple Computers; and Mr. Wayne
18 sold his 10 percent stock of Apple back in 1976 for \$800.

19 I think you can imagine the lengths that Mr. Wayne
20 would go to unwind that deal if he could.

21 The evidence is going to show you in this case
22 that similar to Mr. Wayne that TPC was in serious financial
23 trouble back in the early to mid-1970s.

24 And they made an agreement with Mr. Sompote to
25 unwind -- I'm sorry -- they made an agreement with

1 Mr. Sompote to forgive his debt, the debt that TPC owed to
2 Mr. Sompote in exchange for this contract and the rights
3 that are shown in this contract and now TPC is going to all
4 these lengths to unwind this deal.

5 (An exhibit was displayed on the screen.)

6 MR. CHIBIB: This case is about the rights to
7 those films that are listed there in Section 1 of
8 Exhibit 4A.

9 You'll hear this contract also referred to as the
10 '76 agreement or '76 document but we're all talking about
11 the same agreement here; and the question that you are going
12 to be asked to resolve is: Is this agreement authentic? Is
13 it genuine?

14 We intend to show you convincing evidence that it
15 is. We're going to show you evidence that when times are
16 really tough in the 1976s that TPC made a desperate deal.
17 They traded their overseas rights to Ultraman in exchange
18 for about \$400,000 in forgiveness of debt which at that time
19 in 1976 was an enormous amount of money.

20 The contract has been the subject, as you heard
21 from Mr. Quinn, it's been the subject of litigation for over
22 20 years; and you're going to hear testimony from some of
23 that previous litigation in this case.

24 But what the evidence is also going to show is
25 that this contract was made by two very good friends.

1 (A photograph was displayed on the screen.)

2 MR. CHIBIB: Mr. Noboru Tsuburaya shown there in
3 the middle and Mr. Sompote Saengduenchai shown there on the
4 right. Mr. Noboru, as you heard, passed away back in 1995.

5 Mr. Sompote is still alive and living in Thailand,
6 and then you're going to hear testimony, previous testimony
7 that Mr. Sompote gave in other litigation proceedings. Both
8 parties are going to rely on Mr. Sompote's testimony from
9 those previous cases.

10 And while Mr. Quinn made a big deal about
11 Mr. Sompote not being here and the reasons he's not here,
12 you will hear testimony from his son Pete Saengduenchai that
13 Mr. Sompote is old, frail, and not able to travel.

14 Now you heard that TPC was founded by Mr. Kazuo's
15 grandfather Eiji Tsuburaya. Well, Eiji Tsuburaya was indeed
16 a very famous special effects director and filmmaker; and as
17 you heard also, he's one of the creators of Godzilla.

18 (A photograph was displayed on the screen.)

19 MR. CHIBIB: Mr. Eiji is shown here on the left of
20 the photo here with Mr. Sompote in the middle between King
21 Kong and Godzilla.

22 You'll hear testimony that Mr. Sompote studied
23 under Eiji Tsuburaya back in the early 1960s and Mr. Sompote
24 thought so much of Eiji Tsuburaya he considered him his
25 mentor or sensei and that Mr. Sompote became very, very

1 close with the Tsuburaya family.

2 You'll hear also that Mr. Sompote became quite
3 famous in his own right and successful making films, similar
4 monster-type films in Thailand; and he made those films
5 based on the things that he learned studying under Mr. Eiji.

6 (A photograph was displayed on the screen.)

7 MR. CHIBIB: You'll hear testimony that this is
8 Mr. Sompote there on the right consulting with
9 Mr. Eiji Tsuburaya for one of Mr. Sompote's most famous
10 films called "Crocodile."

11 You'll also see evidence that Mr. Sompote made
12 other films. One such is called "Giant v. Jambo 'A'" and he
13 made that movie with TPC. He made it with them in a close
14 relationship.

15 And through his relationship with Eiji Tsuburaya,
16 Mr. Sompote also became very, very close with his son
17 Mr. Noboru Tsuburaya; and you're going to hear Mr. Noboru is
18 of course the man who signed the 1976 agreement.

19 And you're going to see evidence and hear
20 testimony just how close Mr. Sompote was with the Tsuburaya
21 family. You'll hear that Mr. Sompote's son Pete is going to
22 testify that Mr. Noboru would visit them in Thailand and
23 would actually attend the movie sets of Mr. Sompote.

24 (A photograph was displayed on the screen.)

25 MR. CHIBIB: Pete's also going to tell you that

1 Mr. Noboru would actually stay at Sompote's house, their
2 family's house in Thailand when he came to visit and that he
3 attended the premier of Mr. Sompote's movie "Hanuman and the
4 Seven Ultraman"; and you'll hear testimony that that's
5 Mr. Noboru right there in the middle holding a young Pete on
6 his shoulders.

7 Next, to set the scene for what was going on in
8 1976 -- this is when the contract was made -- you'll hear
9 evidence from several witnesses and you'll see documents
10 that show a significant financial problem for TPC in the
11 mid-1970s.

12 They were suffering heavy losses from the downturn
13 in the Japanese economy, the high cost of producing the
14 live-action TV shows that they were known for, and there was
15 a decline in viewership of the monster movies or monster TV
16 shows that they were making as well.

17 You're going to hear testimony from TPC's own
18 witnesses and see their own documents that their revenues
19 were in very steep decline.

20 The evidence is also going to show that their
21 losses were mounting during this time; and maybe, most
22 notably, you're going to get to see evidence from the
23 autobiography of Noboru Tsuburaya.

24 And in that autobiography he's going to tell you
25 that the losses were so great and the debt was so big that

1 he contemplated suicide. This was in 1975 right before this
2 agreement was signed.

3 Remember \$400,000 back in 1976 is about the
4 equivalent of 120 million Japanese yen.

5 So it's in light of these circumstances that
6 you'll hear Mr. Noboru turned to his longtime friend from
7 Thailand Mr. Sompote.

8 You'll see documents and you'll hear testimony
9 from Mr. Sompote that over the next few years Mr. Noboru and
10 TPC received a tremendous amount of money from Mr. Sompote
11 to help save TPC.

12 First, the documents are going to show that
13 Mr. Sompote gave TPC business. He asked them to make films
14 and then he licensed back those films to TPC so they could
15 use them in Japan; and that was over \$100,000 worth of
16 license rights.

17 Second, you'll hear that Mr. Sompote also loaned
18 TPC over \$120,000 and that was from the proceeds of
19 Mr. Sompote selling his own films.

20 And, third, you're going to hear from Mr. Sompote
21 that in addition to that, that Mr. Noboru simply took over
22 \$100,000 from Mr. Sompote for selling Mr. Sompote's films
23 without Mr. Sompote's permission.

24 All told, the documents and the testimony is going
25 to show that it was almost \$400,000 that TPC had of

1 Mr. Sompote's money.

2 The evidence is also going to show that at that
3 time TPC could not pay back its debts. So they owed this
4 money and they didn't have the money to pay it back.

5 And Mr. Sompote is going to testify that
6 Mr. Noboru did the only thing he could at the time. He got
7 Mr. Sompote to forgive the debt in exchange for the rights
8 granted in the 1976 agreement.

9 And to confirm that fact, you're going to hear
10 testimony from Daisuke Oto. Now, let me tell you who
11 Mr. Oto is. Mr. Oto used to work for TPC. Not only did he
12 work for them, but he was on their Board of Directors.

13 Mr. Oto is going to tell you that Mr. Noboru told
14 him that his friend from Thailand gave him a lot of money
15 and saved TPC from bankruptcy; and Mr. Oto is also going to
16 tell you that Mr. Noboru told him that his friend from
17 Thailand could use Ultraman.

18 Now, let's talk a little bit about the
19 1976 agreement. It's a one-page document. We're going to
20 show you evidence that will prove that this is authentic.

21 You'll hear testimony and see a lot documents that
22 this contract is written on authentic Tsuburaya Enterprises
23 letterhead.

24 And you're going to hear testimony and see
25 evidence that this hanko seal is the official corporate

1 hanko seal for Tsuburaya Enterprises as well and that the
2 signature at the bottom of the page right by the hanko seal
3 is the signature of Mr. Noboru Tsuburaya.

4 To help with that, you're going to hear testimony
5 from Mr. Takashi Ejiri. Mr. Ejiri is an expert on Japanese
6 law and business customs.

7 Mr. Ejiri has been practicing law for almost 50
8 years and he received a law degree in Tokyo and also from
9 Harvard.

10 Mr. Ejiri was the senior partner at the largest
11 law firm in Japan. He was practicing corporate law in 1976
12 when this deal was made and he's going to tell you all about
13 what hanko seals mean, what they mean on contracts in Japan,
14 and what were the customs surrounding the use of hanko seals
15 back in Japan back in the mid-'70s.

16 He's also going to tell you that Japanese
17 companies, as you would imagine, kept those hanko seals very
18 secure.

19 You're going to hear TPC's own witnesses say that
20 they in fact kept their hanko seals very secure back in the
21 mid-'70s as well; and TPC offers no expert testimony to
22 rebut what you're going to hear from Mr. Ejiri.

23 Mr. Sompote is going to testify -- and you'll hear
24 his former testimony -- that he traveled to Japan and he
25 traveled to the offices of Tsuburaya on March 4th of 1976

1 and that that was where this contract was entered into.

2 (An exhibit was displayed on the screen.)

3 MR. CHIBIB: You heard a lot from Mr. Quinn
4 calling this agreement a photocopy, or a piece of photocopy
5 paper. Well, what you're looking at there is Exhibit 369
6 which was a photograph taken of the original 1976 agreement
7 as it was used in the foreign proceedings in Thailand.

8 There is an original contract. We don't have it.
9 But there is an original contract. So make no mistake,
10 Mr. Sompote didn't provide a photocopy piece of paper and
11 not have the original. He had the original and you'll hear
12 testimony about that.

13 Now, you'll also hear testimony from
14 Mr. Moriaki Uematsu. Mr. Uematsu is here in the courtroom
15 today and he's going to testify that he knew about this
16 agreement shortly after it was signed back in 1976.

17 You're also going to hear testimony from
18 Mr. Uematsu that he went to Thailand and visited Mr. Sompote
19 and there while visiting in 1989 he saw the original
20 1976 agreement.

21 You're also going to hear from Pete and Pete's
22 going to testify that when he was a boy he held the original
23 1976 agreement at his father's house in Thailand.

24 So you heard a little bit from Mr. Quinn and I
25 think we should talk about what exactly are they saying is

1 wrong with this contract. Why are they claiming this thing
2 to be invalid?

3 You'll hear that they think it's fake because
4 Mr. Noboru would never agree to these terms.

5 Well, none of that testimony is going to
6 acknowledge the severe financial problems that they were in
7 at the time.

8 You'll hear that they say that the signature is
9 forged but they not only claim that the signature is forged
10 on this document, they're also claiming that there was a
11 bunch of other forgeries too.

12 They'll have you believe that Mr. Sompote was the
13 mastermind of some elaborate forgery scheme.

14 And their witnesses, TPC's witnesses, are going to
15 say that either Mr. Sompote forged the letterhead and the
16 hanko seal and the signature or -- wait for this -- or that
17 he actually stole a piece of official Tsuburaya Enterprise
18 letterhead but not just any letterhead. Letterhead that was
19 already stamped with the very securely kept hanko seal.

20 It's as if Mr. Sompote got his hands on a blank
21 check that was already signed just laying around in the
22 office. That's what they're saying. That's why they say
23 that this is fake as implausible as that may be.

24 Our evidence is going to show that Exhibit 4A is
25 on official authentic Tsuburaya Enterprises letterhead and

1 not only any letterhead but the letterhead that was
2 specifically in use for a short period of time between 1973
3 and 1977, perfectly timed with this agreement.

4 You're also going to see these other documents
5 with Mr. Noboru's signature that look a lot like the
6 signature there on Exhibit 4A, the 1976 agreement.

7 But you're going to hear that TPC's witness,
8 because these signatures look like the '76 agreement, they
9 claim these are a forgery too. Easy.

10 (The exhibit was displayed on the screen.)

11 MR. CHIBIB: The first such document you're going
12 to get to see is Exhibit 129. 129 is a contract between
13 Tsuburaya Productions, TPC, and Mr. Sompote's company called
14 Thai Burin Film Company.

15 They claim this is a forgery even though the
16 evidence is going to show that TPC actually submitted this
17 document, Exhibit 129. They provided this to the Thai
18 authorities as an authentic agreement and now they're
19 claiming that it's a forgery.

20 (Photograph were displayed on the screen.)

21 MR. CHIBIB: The second document and the third
22 document that you're going to see are autographs of
23 Mr. Noboru Tsuburaya on these photographs. Here Exhibit 312
24 and similarly on Exhibit 313.

25 But they're going to claim -- TPC is going to

1 claim that these also are a forgery. So they want you to
2 believe on the one hand that Mr. Sompote is capable of
3 forging autographs on photos, contracts, hanko seals,
4 letterhead.

5 But then also, as you heard Mr. Quinn say, this is
6 the same guy who makes the bumbling mistakes of getting the
7 number of episodes wrong or the title of a film wrong.

8 It really doesn't weigh out. You really can't
9 make those both work together.

10 We are going to provide testimony from
11 Mike Wakshull. Expert testimony from Mike Wakshull.

12 Mr. Wakshull has a graduate certificate from the
13 Graduate School of Criminal Justice from East Tennessee
14 State. He's a certified quality engineer by the American
15 Society for Quality. He's a member of the National
16 Association of Document Examiners and he's testified several
17 times throughout courts in California and the rest of the
18 United States.

19 You do get to decide whether Mr. Wakshull is
20 qualified or not. You're going to hear his testimony and
21 you're going to hear how much experience he has and how much
22 education he has and you'll get to make that decision.

23 Mr. Wakshull is going to testify that the
24 letterhead of Exhibit 4A is authentic Tsuburaya letterhead
25 as of 1976.

1 He's going to testify that the hanko seal is the
2 authentic hanko seal for Tsuburaya Enterprises; and he's
3 also going to testify that the signatures that he was
4 provided allow for the conclusion that Mr. Noboru Tsuburaya
5 signed Exhibit 4A, the 1976 agreement.

6 And TPC is going to offer no expert testimony to
7 rebut Mr. Wakshull's opinion on the letterhead or the hanko
8 seal. The only expert testimony they offer is on the
9 signature.

10 As you heard from Mr. Quinn, TPC intends to rely
11 on the testimony of Lloyd Cunningham, the deposition
12 testimony. Potentially he'll be here in the courtroom.

13 And Mr. Cunningham -- you heard Mr. Quinn say that
14 Mr. Wakshull backed off of some opinions that he made
15 earlier because he realized maybe they were mistakes.

16 Well, Mr. Cunningham is the exact opposite.
17 Mr. Cunningham is going to tell you that it is impossible
18 for the person who signed the signatures that he reviewed to
19 be the same person that signed the 1976 agreement.

20 And he's going to tell you that it's impossible
21 that the person who signed the signatures that he looked at
22 is also the person who signed the photographs and the
23 contract that I showed you, those other three documents.

24 But what he's also going to have to testify,
25 Mr. Cunningham is going to have to tell you that he only

1 looked at 29 signatures. That's how many samples he looked
2 at in order to make his impossible conclusion.

3 You're going to hear testimony from TPC's own
4 employee, a gentleman by the name of Jimmy Ugawa who has
5 passed away so you're going to hear his deposition
6 testimony; that in the late 1990s that there were literally
7 thousands of documents with the signatures of
8 Noboru Tsuburaya on them and that Mr. Ugawa chose to provide
9 ten of them for examination.

10 Now you heard some reference to some of the
11 mistakes in the document; and the implication that Mr. Quinn
12 tried to get you to draw is that these mistakes make it less
13 likely that Mr. Noboru actually created and entered into
14 this document.

15 Well, the evidence is going to show, first of all,
16 that these were two men, one from Thailand, one from Japan,
17 neither of whom could speak English very well or write
18 English very well who chose to enter into a contract in
19 English. So let's start there.

20 And then secondly, you're going to hear testimony
21 that the documents are going to show you that these mistakes
22 are mistakes that coincide with TPC's usage of these terms
23 and this terminology or Mr. Noboru's mistakes. So these
24 mistakes actually make it more likely that Mr. Noboru made
25 this contract than less likely.

1 For example -- sorry. For example, you'll see in
2 1.1 there the title "Giant v. Jambo 'A'" in referencing a
3 contract in 1974. Well, "Giant v. Jambo 'A'" is terminology
4 that TPC uses, not Mr. Sompote.

5 You'll see documents that demonstrate the title
6 "Haruman and the Seven Ultraman" in Section 1.2, also
7 referring to a contract; and you'll hear that Mr. Sompote
8 was from Thailand.

9 The actual title of this should be "Hanuman."
10 It's an "N" not an "R." Hanuman is a Thai character, a
11 famous character from Thailand. Mr. Sompote knew who
12 Hanuman was. He actually made a movie with Hanuman.

13 So this Haruman or Hanuman you'll see is a common
14 mistake made by other countries in Asia, not people from
15 Thailand, so again making it more likely that Mr. Noboru
16 created this contract.

17 And then you're going to hear testimony from
18 Mr. Oto again, remember the former member of the Board of
19 Directors of TPC; and Mr. Oto is going to say that
20 Mr. Noboru oftentimes confused the name "Ultraman Seven"
21 with "Ultra Seven."

22 So again, the mistakes don't make it less likely.
23 They make it more likely that Mr. Noboru entered into this
24 agreement.

25 You also heard about the name of the company and

1 Mr. Quinn said that Mr. Noboru would never enter into a
2 contract where he didn't know the name of his company. But
3 that's not what's happening here.

4 So we're talking about the phase "Tsuburaya Prod.
5 and Enterprise Co., Ltd." You're going to hear testimony
6 from Mr. Sompote this was done in order to refer to both of
7 the entities. There are two Tsuburaya entities. There is
8 Tsuburaya Productions and there's Tsuburaya Enterprises and
9 that in order to make this document legally significant and
10 make it work, they had to get both entities into the
11 contract.

12 And Mr. Sompote will provide testimony that this
13 was done before the signature was made but after the
14 original document was typed and so they had to squeeze it
15 in. They didn't have room.

16 Remember in 1976 we're not using word processors.
17 We're using a typewriter. And so they typed in "Prod. and"
18 in two spots before they signed this contract and you're
19 going to hear testimony about that.

20 And I think maybe the most glaring thing that you
21 heard earlier is that there's no way Mr. Sompote could have
22 had these rights because he didn't do anything to exercise
23 those rights for 20 years between 1976 and 1996.

24 Well, the evidence is going to show you quite the
25 opposite. First, you're going to hear testimony from

1 Mr. Sompote that he built an entire movie studio. He spent
2 millions of his own money to create the studio to make
3 Ultraman movies.

4 Second, you're going to hear that he made an
5 Ultraman movie right here, "Hanuman and the Eleven
6 Ultraman."

7 (The exhibit was displayed on the screen.)

8 MR. CHIBIB: Mr. Quinn said there's no documents
9 evidencing what Mr. Sompote did during this time. Here's a
10 poster for the movie in Thailand, and he released that movie
11 in Thailand and he also, in 1984, released that movie
12 internationally and in the United States as the name "Space
13 Warriors 2000." It's the same film.

14 You'll see evidence that Mr. Noboru actually
15 provided the negatives to Mr. Sompote so he can make this
16 film in 1984, the negatives from the "Ultraman Zoffy" film
17 that you saw.

18 You're going to hear from USC film professor
19 Norman Hollyn. He's going to come testify and he's going to
20 tell you that indeed "Space Warriors 2000" that Mr. Sompote
21 made came from 45 minutes of footage from "Ultraman Zoffy"
22 along with footage from "Hanuman and the Seven Ultraman."

23 You're going to see TV Guide listings that show
24 that this movie "Space Warriors 2000" was shown in the U.S.
25 between 1985 and 1993.

1 Maybe more importantly, you're going to see a
2 document that was filed with the United States Copyright
3 Office back in 1985.

4 And this document is related to the distribution
5 rights of "Space Warriors 2000" and it was filed in the
6 federal government at the U.S. Copyright Office in 1984.

7 Again, Mr. Sompote wasn't doing nothing during
8 this period. You're going to hear testimony from Pete also
9 that Mr. Sompote was licensing the Ultraman TV series to
10 television stations in Thailand as well during this time
11 period.

12 And then you're going to get to watch a fantastic
13 music video that is by a famous Thai pop singer where
14 Mr. Sompote licensed the rights to this Ultraman character
15 for the use in the music video and this happened in 1992.
16 Again, right within the same time period that Mr. Quinn was
17 saying we did nothing; that Mr. Sompote did nothing. He did
18 many, many things.

19 Now, not long after this video in 1995, you're
20 going to hear testimony that Mr. Sompote saw that a company
21 in Thailand was selling and distributing Ultraman works that
22 are there in the 1976 agreement.

23 And that makes sense because Mr. Sompote lived in
24 Thailand. He worked in Thailand. He wasn't a man of
25 enormous means such that he would be internationally out

1 there looking for Ultraman distribution by TPC.

2 It was in his backyard. He saw it and he
3 approached that Thai company and he said: I have these
4 rights. You don't have these rights. You need to stop.

5 And then he went in 1995-'96, to TPC and he
6 presented this document. He said: I have these rights.
7 You need to tell them to stop or I'm going to sue them.

8 And you heard Mr. Quinn say that no one at TPC
9 knew about the 1976 agreement all the way until 1996. No
10 one knew about it.

11 Well, you're going to hear testimony from
12 Mr. Kiyoshi Suzuki. Mr. Suzuki is also a former employee of
13 TPC and he was there from the beginning. He worked with
14 Eiji Tsuburaya.

15 And Mr. Suzuki is going to tell you that in 1991
16 Jimmy Ugawa, again the head of the international division of
17 TPC, told him that TPC did not own the overseas rights to
18 Ultraman. In 1991, well before Mr. Sompote came to TPC with
19 the document.

20 You're going to hear from Mr. Kazuo Tsuburaya here
21 at the table and he was the president at that time in 1996.
22 And as Mr. Quinn said, he's Mr. Noboru's son and he's
23 Mr. Eiji's grandson.

24 (The exhibit was displayed on the screen.)

25 MR. CHIBIB: You're going to see a lot of

1 Exhibit 144, this 1996 letter that Mr. Kazuo wrote and
2 signed on behalf of TPC.

3 And this letter isn't just any letter. This
4 letter is going to show you that the contract, the 1976
5 contract was indeed legitimate and that Mr. Sompote did
6 indeed have those rights.

7 Just look what it says there in that first
8 paragraph. "This letter is to clarify that you have the
9 exclusive rights to exploit certain properties including
10 Ultraman series and Jamborg A series in the territories that
11 include Thailand and in all media that include home video
12 and for indefinite period" -- and here's important --
13 "pursuant to license granting agreement executed on
14 March 4th, 1976, between Tsuburaya Enterprise and
15 Mr. Sompote Saengduenchai."

16 They wrote this letter. They signed this letter.
17 Not only that, they got Mr. Sompote to not sue that other
18 Thai company that was selling those works.

19 You're also going to hear from Pete that TPC
20 intended Mr. Sompote to show this letter -- 144 -- to other
21 people in Thailand so that Mr. Sompote could reclaim his
22 reputation.

23 They wrote this letter. They signed the letter.
24 They said: Go tell people about it. And now you're going
25 to hear TPC's witnesses say: That's not true. Sorry.

1 We've reneged.

2 Let me conclude -- let me sum up and end your day
3 today.

4 We intend to show you considerable evidence that
5 this agreement is authentic. We intend to show you that
6 this is a classic case of buyer's remorse and that TPC just
7 wants to unwind this deal.

8 We intend to show you three things about this
9 contract.

10 First, that Mr. Sompote was in Japan on March 4th,
11 1976, at TPC's offices to make that contract.

12 That the document is on authentic Tsuburaya
13 letterhead and that the hanko seal is the authentic
14 Tsuburaya hanko seal and also that the signature is not a
15 forgery.

16 We're going to show you that TPC was desperate.
17 They were having really tough financial times back in the
18 early to mid-'70s.

19 And we're going to show you evidence that TPC
20 confirmed the validity of the 1976 agreement by writing
21 their apology letter in 1996.

22 Thank you very much again for your time today. I
23 appreciate it.

24 THE COURT: All right. Thank you, Counsel.

25 So we're going to adjourn for the day. I'll ask

1 that you come back tomorrow at 9:00 a.m. and so please do
2 not form or express any opinion on this case until the
3 matter is finally submitted to you; and do not talk to
4 anyone or allow anyone to talk to you and do not attempt to
5 do any research of any kind on any subject matter connected
6 with this trial.

7 So we will see you all tomorrow at 9:00 a.m.

8 THE CLERK: All rise for the jury.

9 *(The jurors exited the courtroom.)*

10 *(The following was held outside the jury's presence:)*

11 THE CLERK: Please be seated.

12 THE COURT: All right. So I will see you all
13 tomorrow at 9:00 a.m. Before we break for the evening, I
14 just want to see if the parties anticipate any issues that
15 we need to discuss in the morning.

16 Mr. Quinn?

17 MR. QUINN: Not that I know of, Your Honor.

18 THE COURT: All right.

19 Mr. Wexler?

20 MR. WEXLER: Your Honor, I think it's an issue
21 that the parties have already agreed upon but that I wanted
22 to tell you with the Japanese language translators we have
23 our partner Tai -- our attorney Tai Kimoto and we also have
24 Ryan Goldstein who can speak Japanese and are planning to
25 serve as spot translators in the event that something seems

1 to go amiss with the translation. If that's acceptable to
2 the Court.

3 THE COURT: If the parties agree, that's fine with
4 the Court.

5 All right. So then I will see you all tomorrow at
6 9:00 a.m. Thank you.

7 THE CLERK: All rise.

8 This Court is adjourned.

9 (At 5:03 p.m. proceedings were concluded.)

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CERTIFICATE

I, PAT CUNEO, CSR 1600, hereby certify that
pursuant to Section 753, Title 28, United States Code, the
foregoing is a true and correct transcript of the
stenographically reported proceedings held in the
above-entitled matter and that the transcript page format is
in conformance with the regulations of the Judicial
Conference of the United States.

Date: January 9, 2018

/s/ PAT CUNEO

PAT CUNEO, OFFICIAL REPORTER
CSR NO. 1600

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24/17 24/19 24/23 25/2 25/8 25/10
29/3 30/5 30/11 30/18 73/17 73/24
74/1 75/5 76/1 76/18 77/6 77/24 82/2
84/10 84/20 90/7 92/24
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